

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.5820 of 2014

Arising out of PS.Case No. -157 Year- 2011 Thana -BRAHMPUR District- BUXAR

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Birendra Kumar Chourasia, Son of Late Narvdeswar Chourasia, Resident of
Village - Barka Dhakaich, P.S.- Brahampur (Krishna Braham) Distt- Buxar

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kamal Deo Sharma, Advocate.

For the Opposite Party/s : Mr. Ajay Kumar No. 1, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 03-08-2017

Heard learned counsel for the petitioner and learned A.P.P.

for the State on the quashing application filed by the petitioner under

Section 482 of the Cr.P.C, 1973.

2. Allegation, in brief, as narrated in the FIR, is that during the period of 2001-02 to 2006-07 under the scheme of Sampurna Gramin Rojgar Yojana, 305.76 quintals of rice was supplied to the petitioner, who runs a shop under Public Distribution System. The scheme expired in the year 2006-07 though rice worth Rs. 4 lacs remained with him, which has been misappropriated as neither remaining foodgrain nor money worth its value was returned back.

3. It is submitted by learned counsel for the petitioner that in fact there was direction of the Deputy Development Commissioner to all Block Development Officers to do survey regarding the remaining left over food grains given to the P.D.S. Shopkeepers under



SGRY scheme as the said scheme has been closed with a direction that if any food grain, under the scheme, is left over that should be distributed under the new scheme NAREGA and if it comes to the knowledge of the authority that food grains have got damaged then the concerned Block Development Officer will be made responsible. So in this case, no responsibility was fixed to the Block Development Officer rather he was never asked/enquired in the matter and the rice got damaged over the period. He also submits that in view of order dated 25.08.2011 passed by the Hon'ble Court in CWJC No. 13136 of 2011, the petitioner has deposited money to the tune of 15% value of the remaining rice.

4. Having considered rival submissions, this court is of the view that the defence taken by the petitioner during the argument cannot be a ground for setting aside the order dated 24.09.2013 by which petition, filed by the petitioner, under Section 239 Cr.P.C., for discharge, was rejected rather there appears sufficient ground in support of the charge. The application is devoid of any merit, so stands dismissed.

(Arun Kumar, J)

Sujit/-

AFR/NAFR	NAFR
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