

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.18410 of 2014

Arising Out of PS.Case No. -161 Year- 2012 Thana -PIPRA District-
EASTCHAMPARAN(MOTIHARI)

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Saryug Ram, Son of Ram Dayal Ram, Resident of village- Matiyaria, P.S- Harsidhi,
district- East Champaran, Motihari.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Block Supply Officer, Chakia, East Champaran, Motihari.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : None.

For the Opposite Party/s : Mr. Yogendra Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 01-12-2017

1. This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 10.10.2012 passed by the learned Chief Judicial Magistrate, East Champaran, Motihari, in Pipra P.S. Case no. 161 of 2012 by which the learned Magistrate took cognizance against the petitioner and two other accused persons for the offences under Section 7 of the Essential Commodities Act.

2. No one appears on behalf of the petitioner.

3. Earlier also on 13.11.2017 no body had appeared on behalf of the petitioner. In the said order it is mentioned that on the next date if no one appears on behalf of the petitioner, the case will be



disposed off on the basis of materials available on the record. Thereafter, the case was listed on 16.11.2017 and again case was fixed for 30.11.2017.

4. Today also none appears on behalf of the petitioner.

5. Learned counsel for the State has appeared.

6. From the impugned order, it appears that police after investigation submitted charge sheet in this case against this petitioner for the offence under Section 7 of Essential Commodities Act. The court below has accordingly by the impugned order dated 10.10.2012 took cognizance against the petitioner for the offence under Section 7 of the Essential Commodities Act on the basis of material available in the case diary.

7. From the allegation in the written report and the materials available in the case diary, it appears that *prima facie* case is made out against this petitioner under Section 7 of Essential Commodities Act.

8. Therefore, this Court does not find any illegality in the impugned order.

9. This Criminal Miscellaneous application against the petitioner is accordingly dismissed.

10. The court below is directed to proceed in the case



in accordance with law.

11. The petitioner is given liberty to raise all the points as raised in this application at the time of framing of charge which shall be considered/disposed off by the court below in accordance with law without being prejudiced by this order.

(Sanjay Priya, J)

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	08/12/2017
Transmission Date	08/12/2017

