

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.132 of 2017

Arising Out of PS.Case No. -null Year- null Thana -null District- SARAN

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Rahul Verma, Son of Late Nisikant Verma @ Nimikant Verma, Resident of Mohalla- Jaritinagar Magistrate Colony, Ashiana Road, P.S. Rajeev Nagar, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through it Secretary Department of Home, Govt. of Bihar.
2. The Director General of Police, Bihar, Patna.
3. The Inspector General of Police, Tirhut Division, Muzaffarpur.
4. The Deputy Inspector General of Police, Saran at Chapra.
5. The Senior Superintendent of Police, Chhapra.
6. The Circle Office, Sonapur, Saran.
7. The S.H.O. Sonapur, Police Station, Saran.
8. The Senior Superintendent of Police, Patna.
9. The District Magistrate, Patna.
10. The Managing Director Bihar State Tourism Development Corporation.
11. The Managing Director, Apda Prabandhan, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Adv.
Mr. Sunil Kumar, Adv.

For the Respondent/s : Mr. H.S. Sundaram, AC to SC-8

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 28-04-2017

Heard learned counsel for the parties.

2. The petitioner is an accused in connection with Sonapur P.S. Case No.12 of 2017 registered for the offences under Sections 282 and 304/34 of the Indian Penal Code. The petitioner has invoked the writ jurisdiction of this Court for quashing of the FIR aforesaid on the ground that on bare perusal of the FIR no offence is made out against the petitioner.



3. Perused the counter affidavit filed on behalf of the State respondents. The respondents have not specifically denied that no case is made out against the petitioner on bare perusal of the FIR. However, have stated that the case is under investigation and after conclusion of the investigation it may be possible that the petitioner may not be sent up for trial.

4. According to FIR lodged by Circle Officer, Sonapur on 14.01.2017 Patang Mahotsava was organized by the Tourism Department in Sabalpur Diara locality. The function concluded at 3.00 pm. The people, who had assembled to participate or watch the function, started returning to back their home. At about 6.00 pm, information was received to the informant that a boat carrying the passengers has capsized in the river Ganga as a result whereof several persons died.

5. Further disclosure is that the petitioner was running an amusement park near the place of function without any authority as a result whereof huge crowd has assembled on the occasion. Unknown seller of the boat loaded more passengers than the capacity of the boat as a result whereof the occurrence took place.

6. There is no dispute, at the time of argument, that offences alleged under Section 304 IPC is not attracted against the petitioner nor offence under Section 282 IPC is made out. Section 304



IPC provides punishment for culpable homicide and there is no allegation at all that the petitioner committed culpable homicide. Section 282 IPC provides punishment for conveying person by water for hire in unsafe or overloaded vessel. This allegation is against the boatman and not against the petitioner.

7. Therefore, criminal prosecution of the petitioner amounts to abuse of the process of the Court. Hence, FIR of Sonapur P.S. Case No.12 of 2017, so far it affects the petitioner, stands quashed and this criminal writ application stands allowed.

(Birendra Kumar, J)

Arvind/-

AFR/NAFR	
CAV DATE	
Uploading Date	08.05.2017
Transmission Date	08.05.2017

