

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3852 of 2017

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Hari Shankar Prasad, son of Jagarnath Prasad, Prop. of M/s Shivam Rice Mill, resident of Village Bhaja Tola, P.S. Paharpur, District-East Champaran at Motihari.

.... Petitioner/s

Versus

1. The Bihar State Food & Civil Supplies Corporation Ltd. through the Managing Director, B.S.F.C. Khadya Bhawan, R-Block, Patna.
2. The District Manager, S.F.C. Saharsa.
3. The State of Bihar through the Principal Secretary, Food & Consumer Protection, Govt. of Bihar, Patna.
4. The District Magistrate, Saharsa.
5. The District Certificate Officer, Saharsa.

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Sanjay Kumar

For the Respondent/s : Mr. S. Raza Ahmad, AAG-5

Md. Anishul Haque, A.C. to AAG-5

For the B.S.F.C. : Mr. Aditya Prakash Sahay, Advocate

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 28-03-2017

Heard learned counsel for the parties.

The petitioner has raised a grievance with regard to issuance of warrant of his arrest has been issued by the District Certificate Officer on account of not depositing the amount of B.S.F.C. The petitioner has entered into an agreement with the B.S.F.C. and in pursuance thereof he has received 8,365.70 quintals of paddy and was to deliver 5605 quintals of CMR but instead only supplied 2160 quintals of CMR. Rest 3445.07 quintals of CMR remained to be supplied by the petitioner and cost of the same comes to Rs. 74,60,512.00 and out of that he has deposited Rs. 10,00,000/- and was to deposit the rest amount of



64,60,512.00 and on account of non-payment of the aforesaid amount an FIR has been instituted against the petitioner registered as Saharsa P.S. Case No. 426 of 2016 for offences under Sections 406, 409, 420 and 34 of the Indian Penal Code and this Court has granted bail to the petitioner where it has been mentioned that the petitioner has deposited Rs. 31,00,000/- out of 74,60,512/- and it has also been mentioned that after the institution of the case he has deposited rupees two lakhs on 24.8.2016 and was ready to deposit rupees 10 lakhs within two months and has given undertaking that he will go on depositing rupees two lakhs per month.

Counsel for the petitioner submits that in terms of the bail order he has deposited Rs. 10 lakhs and has been depositing rupees two lakhs per month and as such the warrant of arrest issued against him requires interference by this Court.

Counsel for the respondents submits that the petitioner has not attached any documents to suggest that he has complied the order of this Court by depositing the said amount.

Let the petitioner should give details of fact along with supportive evidence before the District Certificate Officer to show that the petitioner has been depositing in terms of his commitment made before this Court in Criminal Misc. No. 37471 of 2016.



The petitioner submits that he is entitled to Rs. 13 lakhs against the milling and transporting charges. The petitioner is at liberty to make claim of the aforesaid amount before the District Certificate Officer, who will also examine this aspect of the matter and if it is found that the petitioner is entitled to the said amount then the District Certificate Officer will necessarily take into consideration the matter and after making adjustment, the rest amount of the petitioner will be paid.

It goes without saying that the District Certificate Officer, Saharsa would finally withdraw the warrant of arrest issued against the petitioner but for the present the order dated 24.9.2016 is kept in abeyance with the direction to the petitioner to approach before the District Certificate Officer with entire details of fact within three weeks from today, and if he fails to approach to the District Certificate Officer, the interim relief will be treated to have been withdrawn.

With the observations aforementioned, this writ petition is disposed of.

(Shivaji Pandey, J)

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