

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.49838 of 2014

Arising Out of PS.Case No. -85 Year- 2009 Thana -GOVERNMENT OFFICIAL COMP. District-
NALANDA (BIHARSHARIFF)

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Sugriv Mistry, S/o Late Saudagar Mistry, Resident of Village - Lalganj, Police
Station - Chandi, District - Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Forest Campus Officer, Chandi Campus, District Nalanda.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Adv.

For the Opposite Party/s : Mr. J.N. Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

Date: 16-10-2017

Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner has challenged the order dated 05.03.2010
passed by learned Judicial Magistrate-1st Class, Hilsa (Nalanda) in
Complaint Case No.85C2/2009 by which the learned Magistrate has
taken cognizance of the offences under Section 5 and 14 of the Bihar
Saw Mill (Regulation) Act, 1990 read with Section 41 and 42 of the
Indian Forest Act.

Learned counsel for the petitioner submits that the
petitioner had a licence and only small quantity of wood have been
recovered from the saw mill in course of raid. Learned counsel also



submits that it is a case of false prosecution.

Perused the records. This Court finds that the learned Magistrate has taken cognizance on the basis of the materials which are available on the record. A prima facie case has been appearing from the materials collected in course of raid and if cognizance has been taken on that basis no fault may be found with the same.

The application is dismissed.

Petitioner will be at liberty to raise all such pleas which are available to him at the time of framing of charge or an appropriate stage, as the case may be, in accordance with law.

(Rajeev Ranjan Prasad, J)

Arvind/-

AFR/NAFR	
CAV DATE	
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