

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.46648 of 2013

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

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M/S Jay Bajrang Mini Rice Mill, Itarhi (Buxar) Through Proprietor Birendra Seth
@ Birendra Prasad Seth, Son Of Rajendra Prasad Seth, Resident Of Village-
Dhansoin, P.O. And P.S. Dhansoin, District- Buxar

.... Petitioner/s

Versus

1. The State Of Bihar
2. Alok Kumar, the District Manager, Bihar State Food and Civil Supply Corporation Ltd. District-Buxar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Ranjan, Adv.

For the Opposite Party/s : Mr. Ram Sewak Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

Date: 09-08-2017

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

The petitioner, in the present, is seeking quashing of the
First Information Report which was registered vide Itarhi P.S. Case
No.119 of 2013 by one Mahesh Kumar Singh, Assistant Manager,
Bihar State Food and Civil Supplies Corporation Limited (in short
referred to as SFCSC).

A perusal of the First Information Report, as contained in
Annexrue-1 to the present application, would show that the
allegations against the present petitioner are that he had received 4400
quintals paddy from the different purchase centres of the Corporation



during the paddy procurement year 2011-12. This was made available to the petitioner for preparation of CMR rice. The petitioner was supposed to make available 2948 quintals of paddy, but the petitioner misappropriated the entire supply and did not deliver any rice to the Corporation. The First Information Report is lodged under Sections 406/409/420 IPC read with Section 7 of the E.C. Act.

Submission of the learned counsel for the petitioner is that the District Manager, SFCSC, Buxar has already initiated a Certificate Case bearing no.30 of 2012-13 against the petitioner in the month of December, 2012 in which the petitioner has already appeared and the matter is sub-judice before the Certificate Officer, but surprisingly, after lapse of about ten months, present FIR came to be lodged. His further submission would be that the petitioner took all efforts to supply the CMR rice to the Corporation, but despite several efforts taken by the petitioner the Corporation did not receive rice.

On the other hand, the learned APP opposed the prayer of the petitioner and submitted that filing of certificate case for realization of a public demand cannot come in the way of lodging of the present FIR. He further submitted that the allegations against the petitioner are serious in nature as the petitioner did not supply any rice after taking 4400 quintals of paddy. So far as the submission of the petitioner that despite his efforts the supplies were not taken by the



Corporation has been opposed by the learned APP by saying that the same is pure question of facts which cannot be gone into in an application under Section 482 of the Cr.P.C.

Having heard learned counsel for the parties and on perusal of the record, this Court is of the opinion that there is no ground for quashing of the FIR. Mere filing of a certificate case against the petitioner would not bar lodging of an FIR and investigation into the matter which are serious in nature. This Court cannot go into the defences set out by the petitioner in the present application.

In the result, this application has no merit and the same is dismissed.

(Rajeev Ranjan Prasad, J)

Arvind/-

AFR/NAFR	
CAV DATE	
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