

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17704 of 2016

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Dheeraj Kumar, S/o Anant Kumar Singh, Resident of Village-Nasariganj, P.S. - Nasariganj, District- Rohtas, Proprietor of M/s Sagar Modern Mini Rice Mill, Baliyan, Rohtas.

.... Petitioner

Versus

1. The State of Bihar through the District Manager, Bihar State Food & Civil Supplies Corporation Ltd., Rohtas at Sasaram.
2. The District Manager, Bihar State Food & Civil Supplies Corporation Ltd., Rohtas at Sasaram.
3. The District Certificate Officer, Rohtas at Sasaram.
4. The District Magistrate, Rohtas at Sasaram.
5. The Sub-Divisional Officer, Bikramganj, Rohtas.
6. The Officer-in-charge, Nasariganj, P.S. - Nasariganj, District - Rohtas at Sasaram.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Dineshwar Mishra, Adv.
Mr. Surendra Mishra, Adv.
For BSFC : Mr. Aditya Prakash Sahay, Adv.
For the State : Mr. Bijoy Kumar Sinha, A.C. to A.A.G-5

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 22-02-2017

Heard learned counsel appearing for the respective parties.

2. In the present case, the petitioner is challenging the certificate proceeding vide case No.59 of 2014-15 for recovery of Rs.10,13,806/-. At the same time, the Bihar State Food & Civil Supplies Corporation (for short “*the Corporation*”) has lodged an



FIR for the said amount as Nasariganj P.S. Case No.49 of 2015.

3. In the prayer portion of this writ application the petitioner has averred that he is ready to deposit the corresponding C.M.R. rice.

4. There was an agreement between the petitioner and the Corporation and accordingly, the petitioner received 1100 quintal of paddy for which 737 quintal of C.M.R. rice was to be deposited by the petitioner. Out of that, the petitioner has deposited 268.85 quintal and rest 468.15 quintal is required to be deposited by the petitioner, which has been shown in the FIR as misappropriated amount.

5. Learned counsel for the petitioner submits that the petitioner is ready to deposit the equivalent amount of the rest CMR.

6. If the petitioner is ready to pay the equivalent amount of the rest C.M.R. then the question of harassing him by lodging criminal case as well as pushing him to face the Certificate Proceeding does not arise.

7. In such view of the matter, the petitioner is directed to



approach the Managing Director of the Corporation by filing a proper application within a period of four weeks from today, wherein the petitioner must make a statement about the payment of amount equivalent of rest C.M.R. If the petitioner files such an application and makes the aforesaid statement, the Managing Director of the Corporation, shall consider the request of the petitioner. The Certificate Proceeding pending before the Certificate Officer will be kept in abeyance till the matter is finally settled by the authorities. It is clarified that if the petitioner fails to approach before the Managing Director of the Corporation within the aforesaid period of four weeks, then this order will be treated to have been withdrawn.

8. With the aforesaid observations and directions, this writ application is disposed of.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
Uploading Date	01.03.2017
Transmission Date	N/A.

