

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18117 of 2016

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Rahul Kumar Son of Yogendra Kumar, Resident of Village - Manguraha Tajpur,
Post Baburban Tajpur, P.S. Baruraj, Anchal - Motipur District - Muzaffarpur

.... Petitioner

Versus

1. The State of Bihar
2. The Collector Muzaffarpur, District Muzaffarpur
3. Sub Divisional officer Cum Certificate Officer (West), Muzaffarpur
4. Bihar State Food and Civil Supplies Corporation, District Muzaffarpur
5. District Manager, Bihar State Food and Civil Supplies Corporation, District
Muzaffarpur

.... Respondent

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Appearance :

For the Petitioner : Mr. Uday Prakash Shrarma, Advocate.
For the State : Mr. Upendra Pratap Singh, AC to SC-4
For the BSFC : Mr. Sanjeev Kumar,
Mr. Niraj Kumar Advocates.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 24-11-2017

The present writ petition has been filed for the following
reliefs:

“(I) For issuance of an appropriate writ, order, direction to quash the order dated 17.03.2016 passed by the Sub-Divisional Officer-cum-Certificate Officer (West) against the petitioner whereby the petitioner has been directed to pay the amount of Rs. 9,91,424/- to the certificate holder Bihar State Food and Civil Supplies Corporation, Muzaffarpur on the ground that the petitioner offers to pay the entire amount, however on convenient 20 instalments basis so that the petitioner be able to deposit the amount as stated in the certificate order dated 17.03.2016.

(II) To quash the FIR bearing Baruraj P.S. Case No. 104 of



2015 registered against the petitioner by the Bihar State Food and Civil Supplies Corporation, Muzaffarpur for the offence of alleged breach of trust for the same amount as stated under the certificate order dated 17.03.2016 on the ground that on payment of alleged amount to the B.S.F.C. the entire proceedings initiated vide FIR against the petitioner would be irrelevant unnecessary and unwarranted."

2. When the matter is taken up, learned counsel for the petitioner moulds the prayer, confining the same for a direction to the respondent Certificate Officer to permit the petitioner to make payment of the remaining outstanding amount in instalments.

3. Learned counsel for the respondent appears and has been heard. No objection is raised to the prayer of the petitioner.

4. Having regard to the nature of the prayer of the petitioner and with consent of the parties, the writ petition is disposed of granting liberty to the petitioner to approach the Sub Divisional Officer cum Certificate Officer (West), Muzaffarpur (respondent no. 3) with a representation for fixation of instalments for payment of the outstanding amount in Certificate Case No. 1147/2015-16. If any such representation is filed within a period of two weeks from today, the same shall be considered and disposed of on its own merits in accordance with law.

5. It is expected that upon such representation being



made, the Certificate Officer would not resort to coercive action against the petitioner until disposal of the representation, and in case instalments are permitted, until the petitioner defaults in payment of any of the instalments.

Md. Ibrarul/BT

(Vikash Jain, J)

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	29.11.2017
Transmission Date	N.A.

