

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No 51063 of 2013

Arising Out of PS.Case No. -106 Year- 2011 Thana -PAKRIDAYAL District-
EASTCHAMPARAN(MOTIHARI)

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Ramjee Kunwar @ Ramjee Kumar S/O Bhama Saha Resident Of Village-
Bhagwanpur, Kotwa, P.S- Ghore, Sahan, District- East Champaran.

.... Petitioner/s

Versus

The State Of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Sunil Kr No III, Advocate

For the S t a t e : Ms Pushpa Sinha II, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 14-03-2018

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

2 It is submitted on behalf of the petitioner that the order taking cognizance of the offence under Section 7 of the Essential Commodities Act is bad in respect of the petitioner since the mini truck, from which 90 bags of urea has allegedly been seized, does not belong to the petitioner. He submits that allegation in this respect in the first information report (for brevity, *FIR*) is on another person by the name of Dilip Kumar Mahto who has filed an application in the Court below claiming to be the owner of the mini truck from which 90 bags of urea has been recovered and in relation to which this *FIR* has been lodged. However, what is the outcome of the application filed



by Dilip Kumar Mahto is neither on record nor the learned counsel for the petitioner is in a position to inform this Court regarding the fate of the application filed by Dilip Kumar Mahto.

3 The submission made by the learned counsel for the petitioner is factual denial of the allegations made in the FIR. Such factual denial, while exercising jurisdiction under Section 482 of Criminal Procedure Code (for brevity, *Cr P C*) cannot be gone into as the factual denial and defence of the petitioner can be considered in the trial.

4 There is no scope for interference by this Court under Section 482 of *Cr P C* in the order taking cognizance. This application is dismissed.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.03.2018
Transmission Date	14.03.2018

