

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42327 of 2009

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Maheshwari Sharma @ Maheshwari Prasad Sharma, son of late Mohan Sharma, resident of village-Karsop, P.O.+ P.S.-Shambhuganj, District-Bana.

.... Petitioner/s

Versus

1. The State of Bihar
2. DFO (District Forest Officer), Banka, P.S. & Dist.- Banka.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : None

For the Opposite Party/s : APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

10/ 11-05-2018

None appeared on behalf of the petitioner.

From the record, it appears that this case was dismissed for non-prosecution on 01.05.2013. Thereafter, it has been restored on 20.11.2017.

This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 29.04.2006 passed by the Chief Judicial Magistrate, Banka, in Case No.C-3-94 of 2006 by which cognizance has been taken by the learned Magistrate for the offence under Section(s) 8, 13 and 14 of the Indian Forest Act.

This Court finds that because of pendency of this petition further progress in the Court below has been affected.

The cognizance has been taken by the Court below



on the basis of official complaint filed by the Forest Officer. The learned Magistrate is only required to see *prima facie* case at the time of taking cognizance. Therefore, this Court does not find any illegality in the impugned order.

In view of such, application is **dismissed**.

The Court below is directed to proceed with the case in accordance with law.

(Sanjay Priya, J)

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