

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15803 of 2015

Arising Out of PS. Case No.-275 Year-2013 Thana- KHAGAUL District- Patna

Jaibrata Chatterjee @ Jaiwrate Chatterjee son of Prabhat Kumar Chatterjee,
resident of Chatterjee Store, Dalluchak, P.S.- Khagaul, District- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jharkhandi Upadhyay, Advocate

For the Opposite Party/s : Mr. Ram Bachan Singh, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 17-06-2019

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

2. The petitioner has moved the Court under Section 482
of the Code of Criminal Procedure, 1973 for the following relief:

“That this is an application for quashing the order dated 07.02.2015 passed by learned S.D.J.M., Danapur in connection with Khagaul Police Station Case No. 275 of 2013 whereby and where under discharge petition of the Petitioner under Section 239 Cr.P.C. is being rejected.”

3. The allegation against the petitioner is that due to
rumour of there being shortage of salt, he being the owner of a
small shop was selling salt at the rate of Rs. 60/- per kg.



4. Learned counsel for the petitioner submitted that wrongly the police has submitted charge sheet as it is based only on hearsay witness evidence.

5. Learned APP submitted that whatever evidence has come before the police, on the basis of which charge sheet has been submitted, can only be looked into at the time of trial.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court does not find any error in the order impugned. Accordingly, the application stands dismissed.

7. It goes without saying that whatever steps/application the petitioner may file before the Court below, in accordance with law, shall be considered and disposed off on its own merits without being prejudiced by the present order.

(Ahsanuddin Amanullah, J)

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