

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23420 of 2015

Arising Out of PS. Case No.-218 Year-2013 Thana- DHANAHHA District- West Champaran

Ganga Singh S/o Late Natey Singh Resident of village - Gaurapar, P.S.
Khalilabad, Distt. - Sant Kabir Nagar U.P.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shri Prakash Tiwari

For the Opposite Party/s : Mr.T.N.Thakur App

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 29-11-2019 No one appears on behalf of the petitioner to press this application even on repeated call. The case being an old one and running on the cause list since last Monday.

Petitioner in the present case is seeking quashing of the order of cognizance dated 29.05.2014, passed by the learned A.C.J.M. Bagaha, Trial No. 2995 of 2014 in connection with Dhanaha P.S. Case No. 218 of 2013 under Sections 419, 420, 414 of the Indian Penal Code and Rule of the Mining Act.

This court has gone through the materials available on the record. It is found that the F.I.R. has been lodged against the petitioner by the Mineral Development Officer, West Champaran who has alleged that the owner and driver of the various trucks description of which has been mentioned in paragraph '3' of the present application were found loaded with



sand extracted in illegal manner from the Raiyati land without obtaining the consent of the concerned landlord. These trucks were intercepted by the Block Development Officer and was found that the Block Pramukh was also involved in the illegal sand mining.

After investigation police has found the allegation true and has submitted the charge-sheet against the petitioner. Based on the materials which were collected by the police the learned Magistrate has taken cognizance of the offence. It is the contention of the petitioner in the application that he being owner of the truck was not supposed to be physically present at the time of loading and unloading of the sand which in normal course of business is arranged through the driver of the trucks.

In the opinion of this court such plea of the petitioner may be examined at an appropriate stage in course of trial. This is not a stage where this court can interfere with the order taking cognizance which is based on prima-facie satisfaction of the learned Magistrate.

The application is, thus, dismissed.

(Rajeev Ranjan Prasad, J)

Rajeev/-

U		T	
---	--	---	--

