

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.40079 of 2019

Arising Out of PS. Case No.-82 Year-2018 Thana- DHAMDAHA District- Purnia

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Panna Lal Das, aged about 51 years, Male, Son of Late Bindeshwari Das @
Vindeshwari Das, Resident of Village-Nandgram, Police Station-Dhamdaha,
District-Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Singh, Adv.

For the Opposite Party/s : Mr. Parmeshwar Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 04-07-2019 The petitioner seeks quashing of the order dated

26.07.2018 passed by the learned Sub-Divisional Judicial

Magistrate, Purnea in connection with Dhamdaha P.S. Case

No. 82 of 2018, whereby cognizance has been taken against

him under Section 7 of the Essential Commodities Act.

2. Mr. Shailendra Kumar Singh, the learned

Advocate for the petitioner, has submitted that the petitioner

has not been named in the F.I.R. and no material has been



collected against him during the entire investigation. However, only on the basis of supervision report, in which the name of the petitioner cropped up, charge-sheet was submitted against the petitioner and the learned Magistrate has mechanically taken cognizance on such charge-sheet.

3. On the facts available on record, I am not inclined to interfere with the order of cognizance dated 26.07.2018. The prayer for quashing the same is rejected.

4. The petitioner would have the liberty to approach the Court below at an appropriate stage. As and when such a petition shall be filed by the petitioner, the Court below shall take into account every fact and shall pass an order in accordance with law, without being prejudiced by the fact that the present petition has not been entertained.

5. With the aforesaid observation/direction, the petition stands dismissed.

(Ashutosh Kumar, J)

Praveen-II/-

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