

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1918 of 2024

Arising Out of PS. Case No.-16 Year-2022 Thana- BHOJPUR COMPLAINT CASE District-
Bhojpur

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Harendra Ram, S/O Late Ram Pukar Ram, R/O Village+Post- Mahuli, P.S-
Ara Muffasil, Distt.- Bhojpur at Ara. Appellant/S

Versus

1. The State of Bihar.
2. Trisha Kumari, Block Supply Inspector, Ara Sadar, Distt.- Bhojpur At Ara.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Chandan Kumar, Advocate
For the Respondent/s : Mr.Binay Krishna, Spl PP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL JUDGMENT

Date : 03-07-2024

1. Heard learned counsel for the appellant and
learned Special P.P. for the State.

2. This appeal has been filed for setting aside
the order dated 22.03.2024 passed by A.D.J. 1st,
Bhojpur at Ara passed in Complaint (P) Case No.
16/2022 [Harendra Ram Vs. Trisha Kumari and others.]
lodged under sections 341, 323, 448, 427, 380, 504 of
Indian Penal Code and sections 3(i)(x) of SC/ST Act.
The said complaint petition has been dismissed by the
learned Additional Sessions Judge, 1st Bhojpur at Ara
under Section 203 of the Cr.P.C.



3. Appellant filed complaint case against respondent No. 02, namely, Trisha (Trishna) Kumari the Block Supply Inspector, Ara Sadar, District Bhojpur at Ara vide complain case No. 16 of 2022, stating therein that on 30.03.2022, he went Ara Town alongwith his wife for treatment after distributing the Ration of P.D.S. Shop to the card holder. He had P.D.S. Licence vide Licence No. 74/2007 and since then he is running the shop regularly. On 01.04.2022, after returning from Ara, he was told by the family members and the co-villagers that the officer of the Block along with 8 others broken the lock of the shop and took away the food material which was kept inside the shop for distributing to the beneficiaries of the card holders. When he searched, he found that 165.44 quintals rice and 109.68 quintals wheat was taken away. At first instance he found that some miscreants took away the materials from the shop, but after enquiry he found that the officials of the Block i.e. the accused took away whole material and she locked



the shop. When applicant reached at the Block along with his son Raju Kumar on 02.04.2022 at 02.00 PM, the accused was unable to move due to some physical problem. He sent his son to the accused office for asking about the whole incident. The accused Trisha Kumari in the presence of Public, told his son naming his caste name i.e. Dusadh, Chamar and abused them and threatened that if you raised voice I will cancelled your licence immediately. Thereafter, he raised this matter before other Officers, but they did not take proper action against the accused. He went to the police for lodging FIR, but the police did not take action and did not lodge the FIR. After that complainant filed complain case no. 16/2022 u/s 341, 323, 448, 427, 380, 504 IPC and Section 3(i)(x) of SC/ST Act against the accused/respondent no. 2

4. Learned counsel appearing for the appellant submitted that despite of the specific case against respondent no. 2, the learned trial court failed to take



cognizance of the matter. It is pointed out that the allegation of abusing in caste name is also available against respondent no. 2.

5. Heard learned Spl. PP for the State.

6. It appears from the perusal of record and the documents annexed with the present petition that the complainant/appellant is a PDS dealer and belongs to schedule caste community, where respondent no. 2 is Block Supply Inspector. It is apparent from the complaint petition itself that appellant was not the eye-witness of the occurrence and he also failed to reveal the source of information, disputing the very foundation regarding initiation of the present prosecution as to make out any *prima facie* case against respondent no. 2. While examining the complainant on S.A. during enquiry, learned trial court asked certain questions to the complainant, which for the sake of better understanding of the fact, would be apposite to reproduce here-below, which is as under:-



न्यायालय द्वारा पुछे गये प्रश्न:

"6. मेरी दुकान पर जो सात-आठ व्यक्ति आने वाली बात बताई है, उसमे महिला का नाम तृष्णा कुमारी मुझे प्रखंड कार्यालय, आरा में पहुँचने पर पता चला जब उसने मुझे ताला की चाबी दी थी।

7. मेरी जन वितरण की दुकान से सात-आठ व्यक्ति गेहूं, चावल किस कारण से उठाकर ले गये थे, मुझे जानकारी नहीं है। स्वतः कहा कि 275.12 क्विंटल कुल अनाज था।

8. मैंने जो 275.12 क्विंटल चावल, गेहूं होने की बात बताई है, उसका कोई स्टॉक रजिस्टर मेरे पास नहीं है, मैं मशीन पर अनाज के तौल के आधार पर बता रहा हूँ।"

7. It further appears from aforesaid court questions that the food grains, which alleged to be taken away by respondent no. 2 was not entered in stock register and moreover, it also appears from impugned order that prior to this complaint/alleged occurrence, respondent no. 2 being Block Supply Inspector lodged a



complaint with Secretary, Food and Civil Supply, Government of Bihar, regarding corrupt practices followed by appellant/complainant. Impugned order is well reasoned discussing every aspects before coming conclusion of dismissal.

8. Taking note of all aforesaid facts, the learned trial court dismissed the complaint petition of appellant/complainant under Section 203 of the Cr.P.C., which not appears to be interfered for the reasons as already discussed herein-above, as same is not making any *prima facie* case as alleged.

9. Accordingly, present appeal is hereby dismissed at admission stage itself.

10. Let copy of this order be sent to learned trial court immediately.

(Chandra Shekhar Jha, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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