

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71622 of 2018

Arising Out of PS. Case No.-612 Year-2016 Thana- BHABHUA District- Kaimur (Bhabua)

Ravi Kumar Gupta Son of Late Nihora Prasad, Resident of Purab Mohalla,
Ward No. 25, P.S.- Bhabhua, District- Kaimur at Bhabhua Parmanrt Resident
of Village- Sikra, P.S.- Bhabhua, Dist.- Kaimur.

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. The District Manager, Bihar State Food and Civil Supplies Corporation Ltd.,
Kaimur at Bhabhua.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Amrendra Narayan Rai, Advocate
For the Opposite Party/s	:	Mr. Parmeshwar Mehta, APP
For the BSFC	:	Mr. Sanjay Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL ORDER

- 3 14-07-2026 Heard learned counsel for the petitioner and learned

APP for the State as well as learned counsel for the Opposite

Party No.2.

2. This application has been filed for quashing of
order dated 29.08.2018 passed by the learned J.M.F.C., Gaya, in
G.R. No. 2631 of 2016/Tr. No. 27 of 2018, arising out of
Bhabhua P.S. Case No. 612 of 2016, registered under Sections
409 and 420, whereby discharge petition dated 30.11.2017 was
filed by the petitioner has been rejected.

3. As per the allegation, 9143.25 qu. Paddy was given



to the petitioner through different SIO and as per agreement 67% CMR was to be deposited by the petitioner which comes 6125.97 qu. CMR, but the petitioner deposited only 4041.71 qu. CMR and despite several direction, the petitioner failed to deposit 2084.26 qu. CMR. In course of enquiry, no CMR rice was available in the Mill premises and godown of the petitioner. It is further alleged that petitioner defalcated CMR total amounting Rs. 45,13,590.09/- out of which he deposited Rs. 39,07,987.00/-. Thus, in this way, the petitioner grabbed Rs. 6,05,603.09/- of the government money.

4. Learned counsel for the petitioner has submitted that the petitioner is proprietor of New Maa Durga Bhandar, who, as per agreement in procurement year 2012-2013, received paddy for milling and after milling he deposited 4041.71 qu. CMR within stipulated time and rest quantity i.e. 2084.26 qu. CMR was not lifted by the officials of the State Food Corporation, Kaimur. It has further been submitted that after lodging of the FIR, a Certificate Case No. 36 of 2014-15 was filed against the petitioner in which show cause reply was filed before the Certificate Officer, Kaimur giving details of the deposited amount. It has further been submitted that in view of show cause reply filed by the petitioner, through Letter No. 131



dated 26.09.2016, Certificate Officer, Kaimur intimated the Opposite Party No.2 that after adjusting, the due amount came to be Rs. 5,16,587.00/- and the same came to be deposited. It has further been submitted referring to Annexure-5, the letter issued by the Certificate Officer, Kaimur to the District Manager, State Food Corporation, Kaimur that the petitioner has deposited all the dues amount and evidence in this regard was filed and hence it was directed for issuance of no dues certificate. Learned counsel for the petitioner has further submitted that the case is primarily as regards the violation of terms of agreement and also miscalculation of the amount and hence it is a civil dispute. Learned counsel for the petitioner has further submitted that the final amount as per the certificate granted in favour of Opposite Party No.2 has duly been deposited and now no dues is left with them.

5. Learned counsel for the Opposite Party No.2 has accepted the fact that the dues amount has been paid.

6. Considering the entire facts and circumstances of the case and in totality that the dues amount has been deposited, in the interest of justice, and the case is based on violation of agreement the continuation of the proceedings against the petitioner would serve no useful purpose.



7. Accordingly, the order taking cognizance dated
30.11.2017 is hereby quashed.

(Praveen Kumar, J)

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