

IN THE COURT OF ADDITIONAL CHIEF JUDICIAL MAGISTRATE-I, BENIPATTI (MADHUBANI)-847223.

Case No. : - GR - 686 of 2015.

[In Connection with Bisfi, P.S. Case No. : - 64/2015, Dated:- 24-03-2015]

[State Vs. Ram Kumari Devi & Others.]

Present: - Preetam Kumar Ratan.

A.C.J.M-I., Benipatti.

For the State: - Sri Raj Dev Tiwary, Ld. SDPO.

Order No.	Date of Order	Order with Signature of the Magistrate.	Office note as to action taken on order (if any) with date.
	06-03-2021	Record has been put up from office today of hearing on the point of cognizance of offence. Heard the Ld. S.D.P.O. on the point of cognizance on behalf of the State and perused this case record. It appears from the perusal that the Investigation Officer has filed the Final Form bearing its No.:- 124/2016; dated: - 22-07-2016 "as mistake of fact". <u>FACTUAL MATRIX OF THIS CASE</u> Before moving ahead it seems necessary to mention the facts giving origin to this case which has its basis from the written application of one Harishchandra Bhagat, S/O- Late Shrabjeet Bhagat, R/O- Mela Road, P.S.- Sitamadhi, District- Sitamadhi, presently posted as BSO, Bisfi (hereinafter referred to as the informant) to the following facts:- "That on information on 24-03-2015 at about 06:00 PM reached Bisfi P.S. and found that a pick up van bearing No.- BR-06G/ 6029 is kept seized with wheat packet and its driver Lalit Yadav S/O- Hari Lal Yadav was also detained there. He got information from the SHO that villagers of Bhairba have detained this pick up van with its driver and villagers were very much excited that is why to maintain the public peace this pick up van has been kept seized in this premises and SDM, Benipatti has also been informed in this regard. On interrogation, said driver of pick up van stated that he was taking this pick up van to Darbhanga from the businessman Suraj Purve, S/O- Late Gulai Purve, R/O Village- Bhairba who is said to be businessman of crop grains but in the meantime, villagers of Bhairba detained him. On inquiry Suraj Purve stated that he is a businessman on small scale who uses to buy and sell food grains and the said pick up van with wheat packet is owned by himself. Although, the said so-called businessman could not produced any documents regarding the seized articles. On inquiry, villagers stated that this seized wheat packet has been loaded from the godown of Ram Kumari Devi, W/O- Kailash Purve, who is said to be conductor of PDS, Bhairba whereas on investigation more amount of food grains has been found in that godown as per register produced by PDS owner upon which seizure list has been prepared accordingly, before two independent witnesses. Thereafter, it has concluded that Suraj Purve with collusion of said driver Lalit Yadav this conspiracy has been committed and food grain has been tried to be sold illegally. > PROCEDURAL HISTORY:- As per record, it is evident :- 1) That the FIR has been lodged in the light of aforesaid facts alleged in the Written Report u/S :- 420, 120B of IPC and 7 EC Act against total three accused persons namely, 1. Ram Kumari Devi, W/O- Kailash	

GR - 686/2015.

State Vs. Ram Kumari Devi & Others.

@ In The court of A.C. J.M-I., Benipatti (Madhubani) - 847223.

Date of Cognizance Order: - 06-03-2021.

CIS No.- BRMB- 210005102015.

Case No. : - GR - 686 of 2015.

[In Connection with Bisfi, P.S. Case No. : - 64/2015, Dated:- 24-03-2015]
[State Vs. Ram Kumari Devi & Others.]

For the State: - Sri Raj Dev Tiwary, Ld. SDPO.

Present: - Preetam Kumar Ratan
A.C.J.M-I., Benipatti

Order No.	Date of Order	Order with Signature of the Magistrate.	Office note action taken (if any) with date.
	06-03-2021 Contd.	Purve, 2. Suraj Purve, S/O- Late Gulai Purve & 3. Driver Lalit Yadav, S/O- Late Hari Lal Yadav in the light of aforesaid written application of the informant. 2) That the Investigation Officer has then conducted the investigation in this case and has filed the Final Form bearing its No.- 124/2016, dated :- 22-07-2016 finding this case as a mistake of facts upon conclusion of such investigation in every aspects. 3) That all the accused persons have been exonerated from any criminal liability in connection with the alleged facts and circumstances of this case after conclusion of the investigation. ➤ MATERIAL AVAILABLE ON THE RECORD :- In course of the investigation, the Investigation Officer of this case has collected the oral as well as documentary evidences relating to this case. He has recorded the re-statement of the informant Harishchandra Bhagat (in Para- 06 of the Case Diary) u/S:- 161 Cr.P.C., further, he has also recorded the statement u/S:- 161 Cr.P.C. of the following witnesses :- 1) Israt Praveen, W/O- Md. Shakil, R/O- Bhairwa, P.S.- Bisfi, District- Madhubani (in Para- 15 of the Case Diary). 2) Ful Kumari Devi, W/O- Raja Purve, R/O- Bhairwa, P.S.- Bisfi, District- Madhubani (in Para- 17 of the Case Diary). 3) Rambilas Karak, S/O- Nibulal Karak, R/O- Bhairwa, P.S.- Bisfi, District- Madhubani (in Para- 18 of the Case Diary). 4) Md. Akram, S/O- Late Abdul Khalid, R/O- Bhairwa, P.S.- Bisfi, District- Madhubani (in Para- 19 of the Case Diary). 5) Md. Anwar, S/O- Late Abdul Rauf, R/O- Bhairwa, P.S.- Bisfi, District- Madhubani (in Para- 20 of the Case Diary). 6) Md. Atique, S/O- Late Abdul Hasan, R/O- Bhairwa, P.S.- Bisfi, District- Madhubani (in Para- 21 of the Case Diary). 7) Md. Shakil Ahmad, S/O- Md. Sagir Ahmad, R/O- Bhairwa, P.S.- Bisfi, District- Madhubani (in Para- 23 of the Case Diary). 8) Md. Gulrez, S/O- Late Mustaqim, R/O- Bhairwa, P.S.- Bisfi, District- Madhubani (in Para- 24 of the Case Diary). FINDINGS Now, it is expedient to jot down the facts appearing from the perusal of the record at present chronologically :- 1) That the FIR has been lodged u/S:- 420, 120B of IPC & 7 EC Act against the total three accused persons in the light of aforesaid facts alleged in Written Report namely, 1. Ram Kumari Devi, W/O- Kailash Purve, 2. Suraj Purve, S/O- Late Gulai Purve & 3. Driver Lalit	

Case No. : - GR - 686 of 2015.

[In Connection with Bisfi, P.S. Case No. : - 64/2015, Dated:- 24-03-2015]

[State Vs. Ram Kumari Devi & Others.]

Present: - Preetam Kumar Ratan.

A.C.J.M-I., Benipatti.

For the State: - Sri Raj Dev Tiwary, Ld. SDPO.

Date of Order	Order with Signature of the Magistrate.	Office note as to action taken on order (if any) with date.
06-03-2021 Contd.	Yadav, S/O- Late Hari Lal Yadav. 2) That the Investigation Officer has filed the Final Form bearing its No.- 124/2016, dated:- 22-07-2016 finding this case as untrue due to mistake of facts against all the accused persons named in FIR. 3) That it is admitted fact here at this juncture that seized articles that is wheat packet has been taken out from the PDS godown. 4) That involvement of aforesaid accused persons viz., 1. Ram Kumari Devi, 2. Suraj Purve & 3. Driver Lalit Yadav, has been found in the alleged crime vis-a-vis incriminating materials against them have also been found by the police during such investigation. 5) That this court has now again perused the FIR, the entire Case Diary and materials available on the record. 6) That the written application of the informant which is the basis of the FIR in this case, the statement of witnesses recorded u/S :- 161 Cr.P.C. in the Paras of the Case Diary vide its Paras- 15, 17, 18, 19, 20, 21, 23 & 24 as well as documentary evidences etc., contains several incriminating materials against all the accused persons named in the FIR. Thus, the entire materials available on the record <i>Prima Facie</i> strongly shows the complicity of all the accused persons, namely, 1. Ram Kumari Devi, 2. Suraj Purve & 3. Driver Lalit Yadav, in the commission of alleged crime u/S:- 420, 120B of IPC& 7 EC Act Hence, considering the entire materials available on the record at present, it is accordingly..... <u>ORDERED</u> 1) That the cognizance of offence punishable u/Ss:- 420, 120B of IPC & 7 EC Act is hereby taken against the accused persons namely, 1. Ram Kumari Devi, 2. Suraj Purve & 3. Driver Lalit Yadav and hence, they are accordingly, hereby ordered to be put on trial. 2) That this record is transferred in the Court of S.D.J.M., Benipatti for trial disposal in accordance with law. Put up on 03.06.2021..... for the appearance. Dictated <i>(Signature)</i> (P.K. Ratan) A.C.J.M-I., Benipatti.	