

State Vs. Banta Singh CHI-112-2021

FIR No.167 dated 05.11.2019

Under Section 188 IPC & 39 AIR Act

P.S. Maur.

Present: Sh. D.S. Sra, APP for the State.
 Accused on bail with Counsel Sh. Ramandeep Sharma
 Advocate.

1. Heard, on the application under Section 321 Cr.P.C filed by
Additional Public Prosecutor to withdrawal the prosecution/case against
the accused on the basis of order dated 25.08.2023 issued by learned
District Magistrate, Bathinda.

2. It is averred in the application that the learned District
Magistrate has order to withdraw the prosecution/case against the accused
Banta Singh under Section 321 Cr.P.C. to learned District Attorney
Bathinda and said order has been communicated to the office of learned
District Attorney Bathinda on 25.08.2023 and who had further issued the
order to undersigned and other law officer to comply with said order of
learned District Magistrate Bathinda and to move application under
Section 321 Cr.P.C. before the Court. It is further averred that learned
District Magistrate had taken said decision after convening the meeting
with responsible officer wherein it has been decided that there is need to
make awareness to the farmers for not burning the paddy stubble and
there is need to supply the proper machinery to the farmers for enabling
them not to burn paddy stubble and undersigned has no objection to the

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same. Hence, as per order of learned District Magistrate, under Section 321 Cr.P.C. prosecution/case is liable to be withdrawn against accused Banta Singh.

3. Heard. It is settled law that Permission for withdrawal from prosecution cannot be granted mechanically. Withdrawal must be for proper administration of justice and only in public interest. It has been held by the Apex Court in the case of **“Abdul Karim and others Vs. State of Karnataka (2000) 8 SCC 710”**, *that an application under Section 321 Cr.P.C. could not be allowed only on the ground that the State Government had taken a decision for withdrawing the prosecution and such an order could only be passed after examining the facts and circumstances of the case*. Undoubtedly, the Court has to see is whether the application is made in good faith, in the interest of public policy and justice and not to thwart or stifle the process of law.

4. Now advertng to the facts of case, accused in this case is implicated for burning the stubble in the fields which caused pollution in the air, and that is punishable offence but keeping in view the present scenario no option is left with the farmers as they have not got any support from the Government agencies to got relief from stubble. The clearance of same is necessary before cultivating of new crop. Furthermore, there was not awareness drive channelized by the Government for the farmers before installation of FIR. As such, the reasons prescribed by the prosecution sounds material. Hence, the application in hand is hereby accepted. Accused is acquitted from the charges framed against them. Bail bonds and surety bonds of accused, if

any, are discharged. Case property if any, be dealt with as per rules after expiry of period of appeal or revision, or subject to the result of appeal or revision, if any. File, after doing the needful, be consigned to the Judicial Record Room, Talwandi Sabo.

Pronounced in open Court:
Dated: 06.07.2024

(Sudhir Kumar) PCS,
Sub Divisional Judicial Magistrate,
Talwandi Sabo/UID No.PB0378

Pratibha, Stenographer Gr.III