

Mina Devi Vs. State of Jharkhand

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Court : Jharkhand

Decided On : May-12-2004

Reported in : [2004(2)JCR591(Jhr)]

Judge : Hari Shankar Prasad, J.

Acts : [Code of Criminal Procedure \(CrPC\) , 1973](#) - Sections 482; ;Coal Mines Act - Sections 30; [Indian Penal Code \(IPC\), 1860](#) - Sections 120B and 414

Appeal No. : Cr. M.P. No. 691 of 2003

Appellant : Mina Devi

Respondent : State of Jharkhand

Advocate for Def. : APP

Advocate for Pet/Ap. : K.N. Roy, Adv.

Judgement :

ORDER

Hari Shankar Prasad, J.

1. This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order of cognizance dated 7.8.1996, passed in Mandu P.S. Case No. 76 of 1996 corresponding to G.R. No. 372 of 1996.

2. Facts giving rise to filing of this application are that on 2.3.1996, Sub-Inspector of Police, Mandu P.S., District-Hazaribagh lodged a fardbeyan on his statement with the Mandu P.S. that he received secret information that one coal smuggler Vinod Jaiswal was to transport coal illegally; thereafter he along with two independent witnesses and police personnel raided a place namely Nonia Beda and seized two 407 Mini Buses bearing Nos. BR-13(L)-18654 loaded with 22 bags of slack coal and other Mini Bus bearing No. BR-13-P/0123 loaded with 25 bags of slack coal along with two members of the bus staff. The coal smuggler Vinod Jaiswal and some other associates escaped from the place of occurrence in the darkness of the night. After investigation, I.O. submitted charge-sheet against other persons including the petitioner. On the basis of the charge-sheet submitted in Mandu P.S. Case No. 76 of 1996, cognizance was taken vide order dated 7.8.1996.

3. The learned Counsel appearing for the petitioner submitted that case bearing Mandu P.S. Case No. 76 of 1996 was registered under Sections 414/120B, IPC and 30 of the Coal Mines Act and I.O. after investigation submitted charge-sheet against this petitioner, although no case is made out under any of the sections of any Act as she is the owner of the Mini Bus bearing NO. BR-13-P/0123 and has got nothing to do with the alleged offence. It was further submitted that even if the vehicle aforesaid was seized carrying coal illegally, still then the driver and cleaner of the said vehicle alone could be held liable for criminal prosecution. There is no allegation nor evidence against the petitioner being either present in the vehicle or being associated in any way with the alleged offence and entire proceeding is abuse of the process of the Court and, therefore, it is prayed that cognizance may be quashed.

4. On perusal of the records, it appears that the case was registered in the year 1996 and a report from the lower Court, where the case was pending, was called for and learned lower Court sent letter, vide letter No. 135 dated 25.8.2003, stating therein that this petitioner filed a petition for her discharge from the case and petition for discharge was rejected. In my opinion, this application has not been suitably amended and, therefore, this petition is not maintainable and it is accordingly disposed of.

