

In the High Court of Judicature at Patna

(Civil Writ Jurisdiction)

AAAs-12
2/2

C.W.J.C.No. _____/2015.

Om Prakash Yadav _____ Petitioner.

Versus.

The State of Bihar & others _____ Respondents.

Sub: *releasing of motor vehicle*

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That the brief fact leading to this application is that on 12.07.2010 the Block Supply Officer, Gwalpara, received an information that a truck bearing registration no.WB-23A 5657 about 220 bags of rice was loaded from Madhepura F.C.I. Godown and proceeded to Godown, Bihariganj to unload the same, but in the way the driver and the Khalasi of the truck were unloading the bags of rice . As such the informant proceeded and found about five bags of rice were unloaded from the truck. But the driver and the Khalasi fled away. As such the Block Supply Officer seized the truck and the rice bags and prepared a seizure list and instituted a case against them.

That from a bare perusal the challan it is quite evident that 220 bags of rice was loaded from the F.C.I., Godown, Madhepura in the alleged truck and the same has been seized by the informant and all the 220 bags of rice was deposited in the S.F.C. godown of Bihariganj by the Officer Incharge of Gawalpara on 13.07.2010. Hence no question

arises of Black Marketing of rice. The entire prosecution story has been procured by the informant to teach lesson when the petitioner did not oblige him.

That thereafter the petitioner filed a quashing application vide Cr.Misc.No. 42825 of 2011 in this Hon'ble Court against the above order of criminal revision and after hearing this Hon'ble High Court also directed the opposite parties to file counter affidavit with regard to initiation of confiscation proceeding against the alleged truck and upon the direction the opposite party nos. 2 and 3 filed counter affidavit before this Hon'ble Court and disclosed that a Confiscation proceeding has been initiated against the alleged truck thereafter this Hon'ble High Court vide order dated 08.08.2012 pleased to dismiss the quashing with direction to approach before the competent authority to release the truck in question.

That in obedience of the above direction of this Hon'ble High Court the petitioner approach before the

competent District Magistrate Madhepura to release the alleged truck and after a lapse of more than two years vide order dated 15.07.2014 the learned District Magistrate, madhepura directed to release the alleged truck by directing the petitioner to deposit an amount of resale market value of the truck in question on a wrong consideration of law.

Date of Events:

- 13.07.2010: F.I.R. was lodged and Truck in question bearing registration no. W-23-A 5657 has been seized.
- 15.07.2010: S.D.O. Udakishanganj sent recommendation to initiate confiscation proceeding against the truck.
- 15.07.2014: The D.M. Madhepura passed impugned order by directing the petitioner to deposit an amount of resale market value of the truck in question to release the same.

In the High Court of Judicature at Patna

(Civil Writ Jurisdiction)

C.W.J.C.No._____/2015.

In the matter of an
application under Article 226
of the Constitution of India;

AND

In the matter of :

Om Prakash Yadav son of Nawal Kishore Yadav,

Resident of village- Laxmipur,

Police Station- Udakishanganj,

District- Madhepura.

___ Petitioner.

Versus.

1. The State of Bihar.

*Filed through -
Md. Najim Hossain
Advocate
for the petitioners
39-1-2015
AOR-02898*

2. The District Magistrate, Madhepura.
3. The S.D.O. Udakishanganj, District- Madhepura.
4. The District Transport Officer, Madhepura.
5. The Block Supply Officer, Gowalpara, Police Station-
Gowalpara, District- Madhepura.
6. The Officer Incharge, Gowalpara, District- Madhepura.

___ Respondents.

To,

The Hon'ble Mr. Justice L.Narasimha Reddy, the Chief Justice of the High Court of Judicature at Patna and his companion Justices of the said Hon'ble Court.

The humble petition on behalf of the petitioner named above

Most Respectfully sheweth:

1. That this is an application for invoking the writ

jurisdiction of this Hon'ble High Court for grant of following reliefs:

- I. For issuance of a writ of certiorari or any other appropriate writ order or direction for quashing the order dated 15.07.2014 in Essential Commodities Case No. 23 of 2010 passed by the respondent no.2 District Magistrate Madhepura by which he has most arbitrarily and quite illegally directed the petitioner to deposit an amount of resale market value of the truck in question if he wants to release the same.

A photo stat copy of the order dated 15.07.2014 in Essential Commodities Case No. 23 of 2010 is being annexed herewith and marked as Annexure-1 to this writ application.

- II. For issuance of a writ of mandamus or any other appropriate writ order or direction commanding the respondents authorities to release the truck bearing registration no. WB-23A 5657 in favour of the petitioner.
 - III. For any other relief or reliefs to which the petitioner may be deemed entitled by this Hon'ble Court.
2. That the questions of law involved in the present writ application are :
- (i) Whether the action of the respondent authorities are justified in not releasing the truck in question bearing registration no. WB-23A-5657 ?
 - (ii) Whether the impugned order has been passed by the respondent no.2 the District Magistrate on the wrong consideration of law by directing the petitioner to deposit an amount of market resale value of the truck in question ?
 - (iii) Whether the impugned order passed by the

respondent no. 2 the District Magistrate Madhepura is nothing only a colourable exercise of powers ?

(iv) Whether the respondents authorities did not consider in the matter of release of truck-in-question is national assets and lying in the open sky more than five years ?

(v) Whether the actions of the respondents authorities are violative of Article 16 of the Constitution of India and other mandatory provisions of law made in this regard ?

3. That the petitioner is a citizen of India and resides within the territorial jurisdiction of this Hon'ble Court.
4. That the brief fact leading to this application is that on 12.07.2010 the Block Supply Officer, Gwalpara, received an information that a truck bearing registration no.WB-23A 5657 about 220 bags of rice was loaded from Madhepura F.C.I. Godown and proceeded to Godown,

Bihariganj to unload the same, but in the way the driver and the Khalasi of the truck were unloading the bags of rice . As such the informant proceeded and found about five bags of rice were unloaded from the truck. But the driver and the Khalasi fled away. As such the Block Supply Officer seized the truck and the rice bags and prepared a seizure list and instituted a case against them.

A true/photo stat copy of the First Information Report is annexed herewith and marked as Annexure-2 to this writ application.

5. That it is most respectfully submitted that 220 bags of rice was loaded in the truck from the F.C.I. Godown of Madhepura through valid Challan No. 35521 and the same was to be unloaded in the F.C.I. Godown of Bihariganj but in the way due to bad road, the rope was

broken and five bags of rice was fallen from the truck in question due to that the driver stopped the truck and trying to load the same in the truck but in the meanwhile the informant come there and seized the truck in question as well as 220 bags of rice and also filed the instant case.

A true copy of the challan is annexed herewith and marked as Annexure-3 to this application.

6. That from a bare perusal the challan it is quite evident that 220 bags of rice was loaded from the F.C.I., Godown, Madhepura in the alleged truck and the same has been seized by the informant and all the 220 bags of rice was deposited in the S.F.C. godown of Bihariganj by the Officer Incharge of Gawalpara on 13.07.2010. Hence no question arises of Black Marketing of rice. The entire prosecution story has been procured by the informant to teach lesson when the petitioner did not oblige him.

A true/photo copy of the receipt is annexed herewith and marked as Annexure-4 to this writ application.

7. That it is humbly submitted that the allegation made by the ^{informant is} quite false and concocted and the allegation under section 420, 379 and 34 Indian Penal Code as well as section 7 of the E.C.Act has not been attributed.
8. That after lodging the F.I.R. the petitioner filed a petition on 20.08.2010 in the court of Chief Judicial Magistrate, madhepura to release the Truck in question and during the hearing the learned court call for a report from the D.M., Madhepura to the effect that whether any confiscation proceeding has been initiated or ^{not} ~~act~~ against the alleged truck but no report has come since ^{long} and vide order dated 14.02.2011 rejected the petition of the petitioner in absence of report with regard to confiscation proceeding.

9. That against the above order the petitioner filed a revision petition in the court of learned Sessions Judge, Madhepura but the same was also dismissed vide order dated 12.07.2011 in Cr.Rev.No. 14 of 2011 in absence of report with regard to confiscation proceeding against the truck-in-question.
10. That thereafter the petitioner filed a quashing application vide Cr.Misc.No. 42825 of 2011 in this Hon'ble Court against the above order of criminal revision and after hearing this Hon'ble High Court also directed the opposite parties to file counter affidavit with regard to initiation of confiscation proceeding against the alleged truck and upon the direction, the opposite party nos. 2 and 3 filed counter affidavit before this Hon'ble Court and disclosed that a Confiscation proceeding has been initiated against the alleged truck thereafter this Hon'ble High Court vide order dated 08.08.2012 pleased to dismiss the quashing ^{Petition} with direction to approach before

the competent authority to release the truck in question.

True copy of the order dated
04.05.2012 and 08.08.2012
are annexed herewith and
marked as Annexure-5 & 5/1
to this writ application.

11. That in obedience of the above direction of this Hon'ble High Court the petitioner approach before the competent District Magistrate Madhepura to release the alleged truck and after a lapse of more than two years vide order dated 15.07.2014 the learned District Magistrate, madhepura directed to release the alleged truck by directing the petitioner to deposit an amount of resale market value of the truck in question on a wrong consideration of law.
12. That the impugned order passed by the respondent no. 2 the District Magistrate Madhepura is nothing only a ~~capturable~~ ^{colourable} exercise of power.
13. That it is submitted that the petitioner was quite unaware

regarding the confiscation proceeding against the alleged truck, first time the petitioner learnt with regard to confiscation proceeding when the concerned respondent filed their counter affidavit before this Hon'ble High Court.

14. That it is pertinent to mention here that the truck in question is registered in the name of Bhagwan Das Vyapar Udyog Limited 194, S.P.Mukherjee Road, Kolkatta and Prem Nath Agrawal son of Bhagwan Das Agrawal is the Director of Bhagwan Das Vyapar Udyog Limited who executed a specific power of attorney on 13.04.2010 in favour of the petitioner to manage all the affairs regarding the alleged truck bearing registration no. WB-23A- 5657.

A copy of the power of attorney is annexed herewith and marked as Annexure-6 to this writ application.

15. That it is humbly submitted that the owner of the truck

in question namely Prem Nath Agrawal Director of Bhagwan Das Vyapar Udyog Limited has granted a certificate on 12.11.2011 to the effect that the power of Attorney executed by him in favour of the petitioner is quite valid and genuine.

A copy of the certificate is annexed herewith and marked as Annexure-7 to this writ application.

16. That it is relevant to mention here that except the petitioner no one other person has come before the court for release of the truck.
17. That the alleged truck was running under a valid National Permit and has all the relevant papers such as Registration Certificate Insurance Fitness Certificate, Tax Token etc.

A true copy of the relevant paper are annexed herewith

and marked as Annexure-8
series to this writ application.

18. That the truck in question is a national property and lying in the open sky since 12.07.2010 at Gwalpara Police Station and its value is deteriorating day by day and it is causing a great loss to the owner of the truck.
19. That if the impugned order passed by the respondent authority is allowed to run then the petitioner shall, suffer an irreparable loss and injury.
20. That the petitioner is ready to abide all the condition as laid down by this Hon'ble Court and also ready to produce the same whenever is directed to him. The petitioner is also undertake not to change the physical feature of the alleged truck.
21. That the petitioner is an unemployed person and has no other source of income except the management of alleged truck.
22. That the impugned order passed by the learned court

below are quite unreasoned and fit to be set aside.

23. That if the impugned order is allowed to run then the petitioner shall suffer an irreparable loss and injury.
24. That the petitioner has no other alternative and efficacious remedy than to move this Hon'ble Court by way of petition.
25. That the petitioner has not filed any other writ petition earlier before this Hon'ble Court on any occasion for the reliefs prayed in paragraph no.1 of this writ petition.

It is accordingly prayed that this Hon'ble Court may graciously be pleased to allow this writ petition, issue Rule NISI calling upon the respondents to show cause as to why the reliefs prayed for in paragraph no.1 of this application may not be granted to the petitioner and upon return of the

rule and after hearing the parties
be pleased to make the rule
absolute in the said terms.

AND/OR

Pass such other order or orders as
Your Lordships may deem fit and
proper in the facts and
circumstances of the case.

And for this the petitioner shall ever pray.

Affidavit

I, Om Prakash Yadav aged about 56 years son of Nawal Kishore Yadav, resident of village- Laxmipur, P.S. Udakishanganj, District- Madhepura do hereby solemnly affirm and state as follows:

1. That I am petitioner in this case and as such am well acquainted with the facts and circumstances of the case.
2. That the contents of the petition have been read over by me which are true to my knowledge.
3. That the statement made in paragraph nos. 3, 4, 7, 8, 9, 10, 11, 12, 13, 16, 18 to 25. are true to my knowledge, those made in paragraph nos. 5, 6, 10(P), 14, 15 & 17.....are true to my information derived from the records rests are by way of submission to this Hon'ble Court.
3. That the annexures are true/photo copies of their originals.

Om Prakash Yadav

आदेश की क्रम सं० और तारीख	आदेश और पदाधिकारी का हस्ताक्षर	आदेश पत्र की गई कार्रवाई के बारे में टिप्पणी, तारीख के साथ
1	2	3
15.07.2014	<p>न्यायालय, समाहर्ता एवं जिला दंडाधिकारी, मधेपुरा। आवश्यक वस्तु अधिनियम वाद सं०-23/2010 राज्य बनाम अज्ञात</p> <p>-: आदेश :-</p> <p>अनुमंडल पदाधिकारी, उदाकिशुनगंज के पत्रांक 179/आ. दिनांक 15.07.2010 एवं प्रभारी प्रखंड आपूर्ति पदाधिकारी, ग्वालपाड़ा के पत्रांक 74 दिनांक 14.07.2010 के द्वारा प्रतिवेदित प्रतिवेदन के आधार पर आवश्यक वस्तु अधिनियम की धारा 6(ए) के तहत कनफिसकेशन वाद सं० 23/2010 प्रारंभ किया गया है।</p> <p>प्रतिवेदन में यह प्रतिवेदित किया गया है कि ग्वालपाड़ा थाना के पूरब उत्तर दक्षिण गई एन.एच. 106 रोड के पश्चिम तरफ खड़ी ट्रक सं०- WB-23A-5657 पर लदा 215 बोरा चावल ट्रक पर लदा, 05 बोरा चावल थाना परिसर बरामदा से, 24 बोरा खाली जप्त किया। जप्ती के उपरान्त ग्वालपाड़ा थाना में थाना कांड सं०-11/10 दिनांक 13.07.2010 को प्राथमिकी दर्ज की गई। अधिग्रहण प्रस्ताव के साथ जप्ती सूची, प्राथमिकी की प्रति संलग्न है। यह घटना दिनांक 12.07.2010 की है। निरीक्षण क्रम में पाया गया कि उक्त ट्रक को एफ.सी.आई.मधेपुरा से चलान सं०-31521 के द्वारा 220 बैग चावल लोड किया गया जिसे बी.एस.एफ.सी. बिहारीगंज गोदाम में पहुँचाना था। उक्त ट्रक के ड्राइवर एवं सह चालक द्वारा रास्ते में डाला खोलकर 5 बैग नीचे उतारा गया था तथा 215 बैग ट्रक पर पाया गया। इस तरह चालक एवं सह चालक की मिली भगत से उक्त खाद्यान्न को कालाबाजारी करने की नियत से नीचे उतारा गया था। उक्त ट्रक एवं खाद्यान्न को जप्त कर लिया गया, जिस पर विधिसम्मत कार्रवाई करने का निवेदन किया गया है।</p> <p>उक्त प्रतिवेदन से संतुष्ट होकर आवश्यक वस्तु अधिनियम की धारा-6(ए) के तहत जप्त किए गए ट्रक एवं 220 बोड़ा चावल को राज्यसात (Confiscate) करने हेतु उभय पक्षों को नोटिस निर्गत कर दिनांक 26.07.2010 को अपना पक्ष रखने हेतु कारण पृच्छा की गई तथा प्राथमिकी में ट्रक मालिक, चालक एवं सहचालक का नाम अंकित नहीं रहने के कारण संबंधित पदाधिकारियों से स्पष्टीकरण पूछा गया। दिनांक 26.07.2010 को प्रथम पक्ष से प्राप्त स्पष्टीकरण, उक्त मामले से संबंधित दो स्वतंत्र गवाहों का बयान एवं लोक अभियोजक के पक्षों को सुना। ट्रक मालिक या उनके अधिवक्ता की अनुपस्थिति के कारण उनके पक्ष को नहीं सुना जा सका। राज्य खाद्य निगम की ओर से उपस्थित विज्ञ अधिवक्ता ने सम्पुष्ट किया कि ट्रक सं०- WB-23A-5657 को भारतीय खाद्य निगम के गोदाम से भेजा गया था। चूंकि खाद्यान्न शीघ्र क्षण होनेवाला पदार्थ है, इसलिए केवल जप्त खाद्यान्न को राज्याधिग्रहण करने का आदेश तत्कालीन समाहर्ता द्वारा दिनांक 26.07.2010 को पारित किया एवं ट्रक के संबंध में गहन छानबीन कर प्रतिवेदन देने का निर्णय लिया गया।</p> <p>दिनांक 06.12.2010 को ग्वालपाड़ा थाना कांड सं०-11/2010 धारा-7 ई.सी. के तहत जप्त ट्रक सं०- WB-23A-5657 को मुक्त करने हेतु अपील आवेदन श्री ओम प्रकाश यादव पे० श्री नवल किशोर यादव, सा० लक्ष्मीपुर, थाना उदाकिशुनगंज, जिला मधेपुरा के द्वारा दाखिल किया गया। प्राप्त आवेदन पर आगे सुनवाई प्रारंभ की गई। उक्त मामले पर अंतिम रूप से सुनवाई दिनांक 15.07.2014 की गई। दोनों पक्षों को सुनने के पश्चात् अभिलेख आदेश पर रखा गया। न्यायालय में उपस्थित ट्रक मालिक के विज्ञ अधिवक्ता द्वारा बताया गया कि ट्रक थाना में खुले आसमान में रखा हुआ, जो बर्बादी हो रहा है। समर्पित कारण पृच्छा में स्वीकार किया है कि ट्रक भारतीय खाद्य निगम, मधेपुरा के गोदाम से खाद्यान्न लोड कर राज्य खाद्य निगम बिहारीगंज के गोदाम के लिए प्रस्थान किया था। रास्ते में ही चालक एवं सहचालक के द्वारा उक्त घटना की है। उल्लेखित मामले में ट्रक के ड्राइवर, सहचालक एवं ट्रक मालिक की</p>	

सेवा में
श्रीमान् धाना अध्यापक
ज्वालपाड़ा थाना, जिला मधेपुरा
विषय: प्राथमिकी दर्ज करने के संबंध में।

Recd.
18/10/20

महोदय,
उपरोक्त विषय के संबंध में निवेदन प्रकृत करना है कि श्रीमान् अनुमंडल पदाधिकारी महोदय द्वारा दिनांक 12/7/10 के प्र. क्रमांक पर सूचना दी गई थी आपने द्वारा राज्य (बाय निगाह) का एक डक जिसका नम्बर W.B-23A है, के साथ जिसमें चावल भरा हुआ था से जल्द ही जांच की। तथा साथी हमें तत्काल ही ज्वालपाड़ा थाना जाकर पत्तुसफिती भी जानकारी प्राप्त कर सूचना देने का आदेश श्रीमान् अनुमंडल पदाधिकारी द्वारा दी गई।

उक्त आदेश के आलोक में एक दिनांक - 12/7/10 को श्रीमान् 11 बजे ज्वालपाड़ा थाना पहुँचे तथा उक्त आदेश के विषय में आपसे जानकारी प्राप्त की। आपने द्वारा हमें यह सूचना दी गई कि वही के कम से कम 7.30 (12/7/10) 'आयुवाही' के पास उक्त डक के साथ उक्त तथा खलाही (सहायकपालक) द्वारा 5 बजे चावल डक से नीचे उतर रक्ता गया था तथा उली स्थान पर कुछ खाली बोरों में पड़ा हुआ था।

हमारे द्वारा भी उक्त डक के निरीक्षण करने तथा उक्त डक में गंदे पानी को निकालने पर यह पाया गया कि उक्त पालक तथा एक पालक साथ में ही कालावाजवी भी मिश्रण के रूप में नीचे उतरा गया था, ऐसा प्रतिष्ठित होता है।

इसके साथ ही उक्त डक जिसका नं. W.B-23A है का पमान (कैल्क 31520) जिसमें कुल - 220 बोरी वीथ वेंग चावल के डक के एक 0 ली० आठि० मधेपुरा के एक एक 0 ली० (B.S.F.C) विद्युती अंग अंकक देड मात्रा तथा आ आ गीत तथा अन्य उक्त पमान में 200 बोरी का प्रमाण डक में मौजूद होता है किन्तु उक्त डक में कुल मात्रा 220 वेंग डक के अन्तर तथा 5 वेंग अन्तर वेंग) 220 वेंग मौजूद पाया गया। उक्त प्रकार यह स्पष्ट है कि उक्त डक के पालक तथा एक पालक के साथ साथी एवं कालावाजवी के भीतर के (5) पानी को निकालने द्वारा गया था।

अतः हमारा अनुरोध है कि उक्त पालक तथा एक पालक एक के किन्तु प्राथमिकी दर्ज करने हुए निमाणाधिकार अधिकारी कारवाई करने की कृपा भी प्राप्त।

आभारपूर्वक,
श्रीमान् धाना अध्यापक

1) विजय कुमार मित्र
सहायक प्रबन्धक
विद्युत एवं पत्र विभाग
समावेष्टा कार्यालय
310 रामानंद मित्र
कुडु नगर, ज्वालपाड़ा
पटना-20
(No. 9430242782)

विद्युत विभाग
1) विद्युत विभाग
प्रधानी प्रबन्धक
310 श्रीमान् धाना अध्यापक
समावेष्टा कार्यालय
जिला - मधेपुरा
(No. 9991141133)

पना लगाएं)

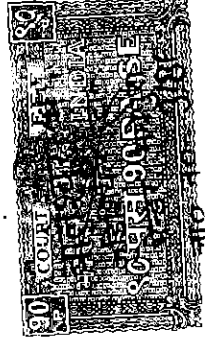
ज्वालपाड़ा थाना

वर्ण (Complexion)	(Id)
5	
*आदतें (Habits)	(Dre)
11	
*जखन चिह्न (Scar)	
17	

Received & Registered Subdvd P.S. cage No 1110 dt 13-7-10
115 T.E.C. Act, 1920, 379, 349 P.C. & have already been
sent to the proper authorities. 13/7/10
P.S. Jhawalpara



एक या अधिक विशिष्टतायें दी जा सकेंगी यदि प्रयोजन से ही किया जाय यदि कोई हो, से जोड़ेगा। सभी बातों से संबंधित व्यापक



- 14 -

10.10.16 210-22

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8. *परिवादी/सूचना दाता द्वारा सूचना देने में हुए विलंब का कारण :

X
Y

9. चुराई गई/अर्न्तग्रस्त/बरामद सम्पत्तियों के व्योरे (यदि आवश्यक हो तो अलग से पन्ना लगायें)

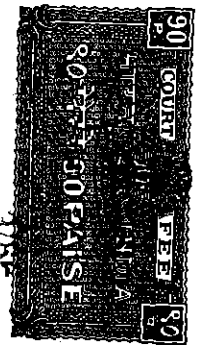
॥ श्री १ डी ७ डी ७ ॥

10. *चुराई गयी/अर्न्तग्रस्त/बरामद सम्पत्तियों का कुल मूल्य (Total Value of properties stolen/involved/recovered)

॥ श्री १ डी ७ डी ७ ॥

11. *अस्वाभाविक मृत्यु कांड सं०, यदि हो तो (U. D. Case No., if any)

12. प्राथमिकी की अन्तर्वस्तु (अलग से पन्ना लगायें, यदि आवश्यक हो)



← T. COPY

अनेकसचर-1

प्राथमिकी (एफ0आई0आर0)

1- जिला मधेपुरा अनुमंडल-उदाकिशनगंज थाना गवालपाड़ा उर्ध्व
प्राथमिकी सं0 11/2010 तिथि 13.07.10

2- अधिनियम : भा.दं.वि.

धाराएं 420/ 379/ 34 and 7 E.C.Act.

3-क-अपराधी की घटना -विविध दिन सोमवार तिथि से 12.07.2010

समयावधि पहर सातवा बजे से 19.30 बजे

ख- थाना में प्राप्त सूचना तिथि 12.07.10 समय 21.00 बजे

ग- प्राथमिकी दर्ज करने की तिथि 13.07.10 समय 16.30 बजे

घ- थाना दैनिकी संदर्भ प्रविष्टि सं0 समय 16.30 बजे

4- सूचना का प्रकार -लिखित

5- घटना स्थल क-थाना से दिशा एवं दूरी -भालुआही ओ0पी0 100 गज

चौक दक्षिण एन0एच0 106 रोड से पूरब तरफ

गश्त सं0 4

पता: गुमटी के पास थाना गवालपाड़ा जिला मधेपुरा।

6- परिवादी / सूचनादाता :

नाम- केदार पासवान

पिता - श्री श्रवण पासवान

राष्ट्रीयता - भारतीय

पेशा- नौकरी

12/07/10
गुल
4/11/10
प्रकट होना
लिखित किया
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ok up the inve
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11/11/10
का हस्ताक्षर

(88)

11/11/10

पता: वर्तमान प्रभारी प्रखंड आपूर्ति पदाधिकारी ग्वालपाड़ा जिला मधेपुरा ग्राम
+ पो० दीघी सदर थाना हाजीपुर जिला वैशाली।

7- अभियुक्त का विवरण :

- 1- ट्रक नं० बी०डब्लू० 23 ए० 5657 का चालक तथा
खलासी नाम अंकित नहीं

सेवा में,

श्रीमान् थाना अध्यक्ष

ग्वालपाड़ा थाना जिला मधेपुरा।

विषय: प्राथमिकी दर्ज करने के संबंध में।

महाशय,

उपर्युक्त विषय के संदर्भ में निवेदनपूर्वक कहना है कि श्रीमान् अनुमंडल पदाधिकारी महोदय द्वारा दिनांक 12.07.10 को यह दूरभाष पर सूचना दी गई की आपके द्वारा राज्य खाद्य निगम का एक ट्रक जिसका नं० बी०डब्लू० 23 ए० 5657 है तथा जिसमें चावल लदा हुआ था को जब्त किया गया है। तथा साक्षी हमें तत्काल ही ग्वालपाड़ा थाना जाकर वस्तुस्थिति की जानकारी प्राप्त कर सूचना देने का आदेश श्रीमान् अनुमंडल पदाधिकारी द्वारा दी गई।

उक्त आदेश के आलोक में हम दिनांक 12.07.10 को रात्रि लगभग 11.00 बजे ग्वालपाड़ा थाना पहुंचा तथा उक्त आदी के विषय में आपसे जानकारी प्राप्त की। आपके द्वारा हमें यह सूचना दी गई कि जप्ति के कम में शाम 7.30 12.07.10 आयुआही के पास उक्त ट्रक से ड्राईवर तथा खलासी सहायक चालक द्वारा 5 बोरा चावल ट्रक से नीचे उतर रखा गया था तथा उसी स्थान पर कुल खाली बोरा भी पड़ा हुआ था।

हमारे द्वारा भी उक्त ट्रक के परिक्षण करने तथा उक्त जब्त किये गये पांचो बोरो को देखने पर यह पाया गया कि उक्त चालक तथा सह

चालक द्वारा चोरी/ कालाबाजारी की नियत से ट्रक के नीचे उतारा गया था ऐसा प्रतित होता है।

इसके साथ ही उक्त ट्रक नं०बी०डब्लू० 23 ए० 5657 का चालान संख्या 31521 जिसमें कुल 220 दो सौ बीस बैग चावल दर्ज कर एफ०सी०आई० मधेपुरा से बी०एस०एफ०सी० बिहारीगंज गोदाम हेतु काटा गया था का जांच किया गया तथा उक्त चालान में दर्ज 120 बोरो का मिलान ट्रक में मौजूद बोरो से किया गया जिसमें कुल मिलाकर 215 बैग ट्रक के अंदर तथा 5 बैग जब्त बैग 220 बैग मौजूद पाया गया। इस प्रकार यह स्पष्ट है कि उक्त ट्रक के चालक तथा सह चालक के द्वारा चोरी एवं कालाबाजारी के नियत से 5 पांचो बोरो को ट्रक से नीचे उतारा गया था।

अतः हमारा अनुरोध है कि उक्त चालक तथा सह चालक के विरुद्ध प्राथमिकी दर्ज करते हुए नियमानुसार कार्रवाई करने की कृपा की जाय।

अनु०	1-विजय कुमार मिश्रा	विश्वासभाजन
ट्रक चलान की सहायक प्रबंधक		ह०केदार पासवान
छाया प्रति संलग्न बिहार स्टेट फुड एवं सिविल		प्रभारी प्रखंड आपूर्ति पदा०
कारपोरेशन पिता रामानेक मिश्र		ग्वालपाड़ा पिता श्री अरूण
बुद्ध नगर पोस्टल पार्क पटना-20		पासवान सदर थाना ग्राम+
		पो०दीघी थाना हाजीपुर
		जिला वैशाली

Annex 472-23 - 16 -
- 24 -

Seen
DUE
10-2-10

Jul. 13 2010 01:53PM
FAX NO. : 06478-225951

TRUCK CHALLAN-A
Bihar State Food & Civil Supplies Co. Ltd.

Name of District: Muzfarpura 31521
 P.O. No./S.L.O. No./Order No.: BAI-A.D.6 Date: 25/8/10
 Gate Pass No. & Date: 105264 Truck No.: WB2854
 Date of Despatch: 12/7/10 Name of Commodity: ...
 No. of bags: 270 Quantity in Words: two hundred and seventy
 Despatched: one hundred nine and
seventeen kg only
 Name of despatching godown: ICI Muzfarpura
 Name of receiving godown: S.P. Bihari Ghang
 Name of transporting Agency: Shree G.S. Chaudhary
 Name of driver: ...
 Signature of driver: ... Signature of Receiver: ...
 Signature of Billing Incharge: ...

Acknowledgement

No. of bags: _____ Quantity: _____
 Received: _____
 In Words: _____ of _____ and entered
 in the stock register page No. _____
 Signature of Receiver: _____
 Name of godown: _____ Date: _____



FROM : YADEN, SAHARA.

T. copy

Annexure-3

Truck Challan

Bihar State Food & Civil Supplies Co. Ltd.

Name of District: Madhepura 31521

R.O.No. BDI

dated 25.06.10

No. and Date 105264

Truck No. WB 23A 5657

Date of Despatch : 12.7.10

220 = 109.17.000

Dispatched one hundred nine and seventeen Kg. only

Name of despatching godown Madhepura

Name of receiving SFE Bihariganj

Name of transporting Shri G.S.Choudhary

Name of driver Sidal Kumar

Signature of driver Rajiv Kumar

Signature of incharge.

Sd/-ill

Acknowledgement

सुसंज्ञक पदाधिकारी
उपनिर्देशक

seen
13/10

धम :- जहाँ डिप्टी आरकम को राज्य कार्य निगम विद्यार्थी और जोड़कर
ने हस्तगत करने के संभव हैं।

महोदय,

उपरोक्त विषय के संदर्भ में देना है कि आता प्रतीत हुए
(संभवतः) जहाँ डिप्टी आरकम 220 वीस (दो लॉ बी०) 109.17 किलो पावर को
राज्य कार्य निगम जोड़कर विद्यार्थी के जोड़कर प्रतीत को (संभवतः)
विद्युत शुल्क भुगतान के निम्न प्रकार पर हस्तगत कराना संभव है।

जवाब :-

1. श्रीताराम शर्मा
उप निगम निदेशक
राज्य आपूर्ति पदाधिकारी
जयपुर

श्री D.L.P. KUMAR
निगम निदेशक
संभवतः संभव-45
विद्यार्थी के जोड़कर
D.L.P.

KEASUKAR NIND
निगम निदेशक
20/07/1951

(220) वीस
पावर प्रतीत विद्युत
13/10

राज्य प्रकाश विद्युत
1317110
जयपुर
जयपुर

8057-30-1951

अनेकसचर-४५

सेवा में,

अनुमंडल पदाधिकारी

उदाकिशनगंज।

विषय: जब्त किये चावल को राज्य खाद्य निगम बिहारीगंज गोदाम में
हस्तगत कराने के संबंध में।

महाशय,

उपर्युक्त विषय के संदर्भ में कहना है कि थाना प्रभारी द्वारा जब्त
किये गये 220 बैग दो सौ बीस 109.17 क्विंटल चावल को राज्य खाद्य निगम
गोदाम बिहारीगंज के गोदाम प्रभारी को जी विजय कुमार मिश्र के जिनमे जमा
कर हस्तगत कराया गया ।

गवाह 1-सीताराम दास

ह0 दीलीपकेवट

स्व0 लखीचंद राम

प्रखंड आपूर्ति पदाधिकारी ग्वालपाड़ा

ह0 सहायक प्रबंधक

बिहारीगंज गोदाम

220 बैग चावल प्राप्त किया।

ह0 विजय प्रसाद सिंह

ह0अस्पष्ट 13.07.10

13.07.10

थानाध्यक्ष ग्वालपाड़ा

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42825 of 2011

Om Prakash Yadav

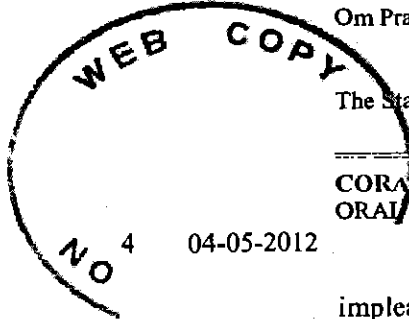
..... Petitioner/s

Versus

The State Of Bihar

..... Opposite Party/s

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER



04-05-2012

Learned counsel for the petitioner is permitted to implead District Magistrate, Madhepura, as Opposite Party No. 3.

It was submitted by Dr. Maya Nand Jha, learned Additional Public Prosecutor, that despite the fact that he has sent FAX message to the District Magistrate, Madhepura, for sending instruction, he has not received any instruction.

Let notice be sent to the District Magistrate, Madhepura, as well as Block Supply Officer, Gwalpara, District - Madhepura, to specify as to whether any confiscation proceeding in respect of confiscation of Truck bearing Registration No. WB-23A-5657 in Gwalpara P.S. Case No. 11 of 2010, has been initiated or not. Notice is required to go by the Office within ten days.

Both the aforesaid respondents are directed to file specific affidavit within 15 days after receipt of the notice, failing which, the Court may contemplate to pass adverse order against the Officers concerned.

Praful/-

(Rakesh Kumar, J)

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42825 of 2011

Om Prakash Yadav son of Nawal Kishore Yadav , resident of Village -
Laxmipur, Police Station - Udakishanganj, District - Madhepura

..... Petitioner/s

Versus

1. The State Of Bihar
2. The Block Supply Officer, Gawalpara Block, P.S. Gawalpara, District-
Madhepura
3. The District Magistrate, Madhepura

..... Opposite Party/s

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

5 08-08-2012

Heard Mr. Md. Najmul Hoda, learned counsel for the
petitioner and Dr. Mayanand Jha, learned Addl. Public Prosecutor.

The sole petitioner, while invoking inherent jurisdiction of this Court under Section 482 of the Code of Criminal Procedure, has prayed for quashing of an order dated 12.07.2011 passed by the learned Sessions Judge, Madhepura, whereby he has rejected Cr. Revision No.14 of 2011, which was preferred by the petitioner against order dated 14.02.2011 passed by learned Chief Judicial Magistrate, Madhepura in Gawalpara P.S. Case No.11 of 2010. By the said order, the learned Chief Judicial Magistrate has rejected the petition filed on behalf of the petitioner for release of the truck bearing Registration No.WB-23A-5657. The said truck was seized with foodgrains and for which an F.I.R. vide Gawalpara P.S. Case No.11 of 2010 was

registered for offence under Sections 420,379/34 of the Indian Penal Code as well as under Section 7 of the Essential Commodities Act.

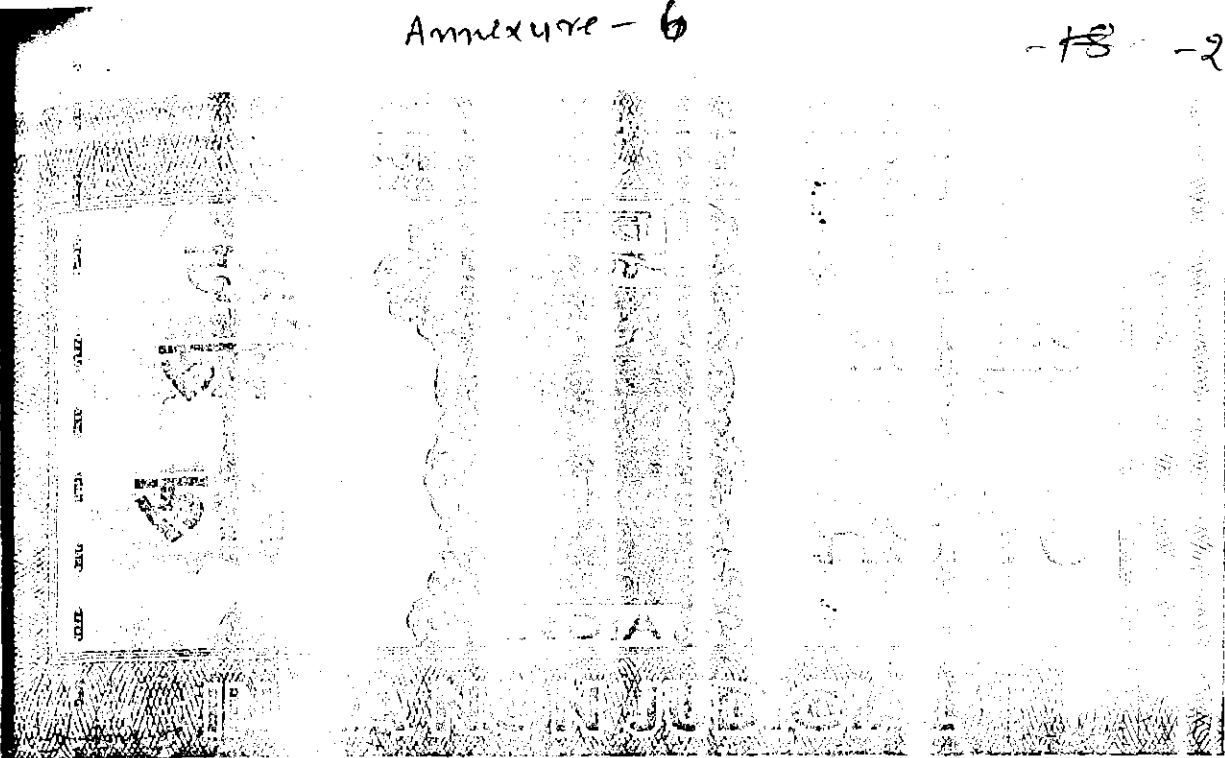
In this case, a counter affidavit has been filed on behalf of the State and in the said counter affidavit, it has specifically been mentioned that confiscation proceeding vide Confiscation Case No. 23 of 2010 was already initiated and so far seized goods are concerned, the Collector has already passed order for confiscation. Due to some formality, confiscation in respect of truck has not come to an end.

The Court is of the opinion that since confiscation proceeding had already been initiated, the petitioner was not required to approach the learned Chief Judicial Magistrate for release of the vehicle. The appropriate course for the petitioner was to approach the concerned court, where confiscation proceeding is going on. In that view of the matter, I do not find any ground for directing for release of the vehicle in question. There is no requirement for interference with the order.

The petition stands dismissed.

NKS/-

(Rakesh Kumar, J)



पश्चिम बंगाल WEST BENGAL

35AA 900154

SPECIFIC POWER OF ATTORNEY

KNOW ALL MEN BY THIS POWER OF ATTORNEY I, SRI PREMNATH AGARWAL s/o Late Bhagwandas Agarwala Director of M/s. BHAGWANDAS VYAPAR UDYOG LTD. 194, S. P. Mukharjee Road, Kolkata - 700 026 by faith Hindu, by occupation business, do hereby nominate, constitute and Om Prakash Yadav S/o Nawal Kishore Yadav residing at Vill: Laxmipur, P.O. Murla Giridava, Via. Udakishangunge Dist. Madhepura, Bihar, as my true and lawful Attorney for me in my name on my behalf to do and execute and perform all cause to be done in respect of Vehicle No. WB-23A-5657 ONLY.

WHEREAS we are owners of vehicle no. WB-23A-5657

1. To work, manage, control and release the said vehicle in any of the police station and supervise the management of the said vehicle and to run the same.
2. To appear for and represent me or my company before any Magistrate and all courts having jurisdiction of criminal, original or appellate, revision of special jurisdiction including jurisdiction of any court and other authorities.

Contd... P/2

BHAGWANDAS VYAPAR UDYOG LTD,
 Premnath Agarwal
 Director

श्रीम प्रकाश यादव

- 19 -

- 30 -

14 DEC 2009

Serial No. 17568 Date

Name Bhadrachandran Jayakar Udyog Ltd.

Address Bu. 14, M. K. Chowrie Rd.

Value Rs. 10000 P.

BIDYUT KR. SAHA
 Licence Stamp Vendor
 Alipore Judges' Court, 24 Pgs (5)

Licence Stamp Vende. Signature 

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SPECIFIC POWER OF ATTORNEY

KNOW ALL MEN BY THIS POWER OF ATTORNEY I, SRI PREMNATH AGARWALLA s/o Late Bhagwandas Agarwalla Director of M/s. BHAGWANDAS VYAPAR UDYOG LTD., 194, S. P. Mukherjee Road, , Kolkata -700 026 by faith Hindu, by occupation business, do hereby nominate, constitute and Om Prakash Yadav S/o Nawal Kishore Yadav residing at Vill: Laxmipur , P.O. Murli Chandava ,Via Udakishangunge Dist. Madhepura, Bihar, as my true and lawful Attorney for me in my name on my behalf to do and execute and perform or cause to be done in respect of Vehicle No. **WB-23A-5657 ONLY.**

WHEREAS we are owners of vehicle no. **WB-23A-5657**

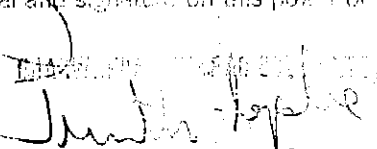
1. To work, manage, control and release the said vehicle in any of the police station and supervise the management of the said vehicle and to run the same.
2. To appear for and represent me or my company before any Magistrate and all courts having civil, criminal, original or appellate, revision of special jurisdiction including jurisdiction of any court and other authorities.

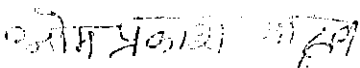
Contd.... P/2

4. That my said Attorney can receive the delivery vehicle No. WLS 232-8687 from the any Police Station in or around and our name.

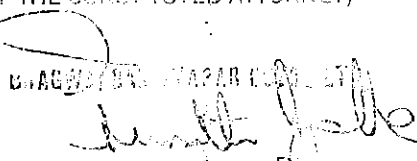
AND I do hereby agree and undertake to ratify and confirm all and whatsoever my said Attorney under the power on my behalf hereinbefore contained shall do or cause to be done or execute and perform to carry out this Power of Attorney and the acts hereby concerned upon and by virtue of this deed in respect of vehicle No. WLS-232-8687 ONLY.

IN WITNESS WHEREOF I, the said Executant, put my seal and signature on this power of Attorney on this the 12th day of 2010.


(SIGNATURE OF EXECUTANT)


(SIGNATURE OF THE CONSTITUTED ATTORNEY)

ATTESTED


DIRECTOR
(EXECUTANT)

WITNESSES:

- 1.
- 2.

T. COPY

// 2 //

4. That my said Attorney can receive the delivery vehicle No. **WB-23A-5657** from the any Police Station in our name and our behalf.

AND I do hereby agree and undertake to rectify and confirm all and whatsoever my said Attorney under the power on my behalf hereinbefore contained shall do or cause to be done or execute and perform to execute this Power of Attorney and liberties hereby concerned upon under and by virtue of this deed in respect of vehicle No. **WB-23A-5657 ONLY**.

IN WITNESS WHEREOF I, the said Executant put my seal and signature on this power of Attorney on this the 13th April 2010.

(SIGNATURE OF EXECUTANT)

(SIGNATURE OF THE CONSTITUTED ATTORNEY)

ATTESTED

(EXECUTANT)

WITNESSES:

1.

2.

Annexure - 57

- 21-32-

BHAGWANDAS VYAPAR UDYOG LIMITED

194, S. P. Mukherjee Road, Kolkata - 700026.

Phone: - 2466-4711, 2465-4256, Fax: - 2464-7140.

Date:- 12th November 2011.

TO WHOM IT MAY CONCERN

Bhagwanath Agarwalla S/o Bhagwandas Agarwalla residing at 194, S.P. Mukherjee Road, Kolkata-700026, Director of Bhagwandas Vyapar Udyog Limited of 194, S. P. Mukherjee Road, Kolkata- 700 026 here by declare that we had issued a specific power of attorney on 13th April 2010 to Sri Om Prakash Yadav, Son of Sri Nawal Kishore residing at village Laxmi Pur, Post- Murli Chandwa, Dist- Madhepura, Bihar at vehicle Registration No **WB-23A- 5657** that our said attorney can receive the said Vehicle Registration no **WB-23A- 5657** from the any Police station in name and our behalf and I am also affirm and declare that the said Specific Power of Attorney is valid .

Yours faithfully,

For Bhagwandas Vyapar Udyog Ltd.

BHAGWANDAS VYAPAR UDYOG LTD,

Director
Director

4. 27/11/11 - 11

33-

GOVERNMENT OF WEST BENGAL

MOTOR VEHICLES DEPARTMENT BARRACKPORE, NORTH 24 PARGANAS

CERTIFICATE OF FITNESS

(Applicable in the case of transport vehicles)
Form 38 ((See Rule 62(2))



H425254

Date : 25-Jan-2011

Vehicle No. **WB 23A 5657**

is certified as complying with the provisions of the Motor Vehicles Act, 1988 and the Rules made thereunder. This certificate will expire on

24-Jan.-2012

Date : 25-Jan.-2011

Next Inspection Date :

25/1/11

Registering Authority
Barrackpore, North 24 Parganas

No. B : **75421**

GOVERNMENT OF WEST BENGAL
MOTOR VEHICLES DEPARTMENT, BARRACKPORE
NORTH 24 PARGANAS

-34-

No. **TX 76793**

Received Rs.	2325	as tax (1)
Rs.		as Penalty (2)
Rs.	0	as Addl. / O.T. Tax (3)
Rs.	0	as Penalty (4)
Rs.	0	as Special Tax (5)
Rs.		as Penalty (6)
Rs.	300	as Dealer's Tax (7)
Rs.	20	as Service Charge (8)

Transaction Fee 2,645

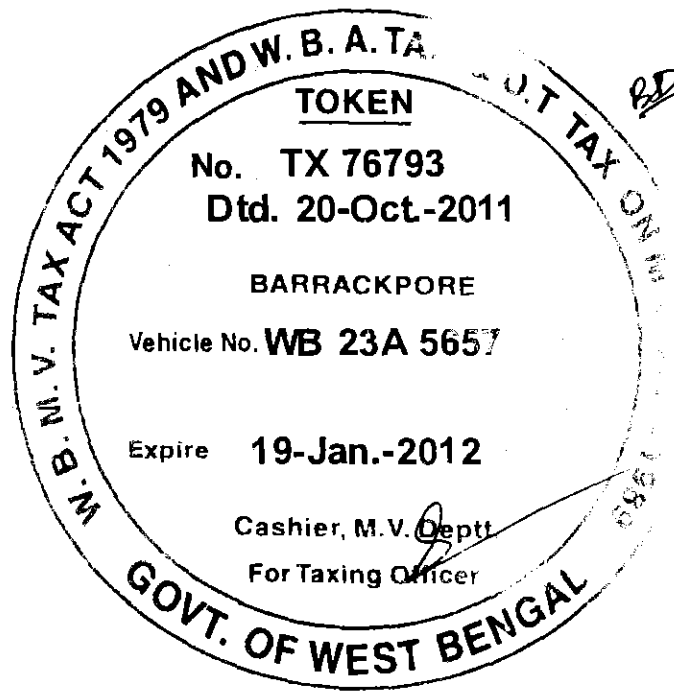
(in words) Two Thousand Six Hundred Forty-

five only
 For the period from 20-Oct-2011 to 10-Jan-2012

Vehicle No. WB 23A 5657
 Date 20-Oct-2011

Cashier, M.V. Dept. Barrackpore

(1) & (2) under W.B.W.V. Tax Act. 1979
 (3) & (4) under W.B.A. Tax & O.T. Tax and M.V. Act., 1989
 N.B.:.....(a) Token must be exhibited on vehicle.
 N.B.:.....(b) Non-exhibition makes owner punishable.
 D.M. North 24 Parganas, Form No. 1



D.M. NORTH 24 PARGANAS, FORM NO. 1

VT/ **76793**

76793

WEST BENGAL
National Permit for Public Carrier
PART B
(To be carried in the vehicle)

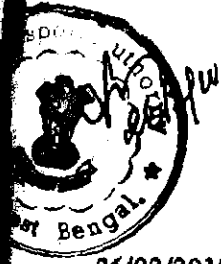


304 Public Carrier's Permit No. N. P. NP/057055/2005 (P)

Permit Holder : M/S. BHAGWANDAS VYAPER UDYOG LTD.
Registration No. of Vehicle : WB23A5657
Registration : 21/01/2004
State and States mentioned
Authorisation Certificate

AS PER AUTHORISATION CERTIFICATE

Valid from : 04/03/2014
Conditions attached to the permit
Printed Overleaf



Signature
Deputy Secretary
State Transport Authority
West Bengal

RENEWAL

26/02/2010

Valid up to Subject to condition attached to the permit

Valid up to Subject to condition attached to the permit

Valid in

Secretary
State Transport Authority
West Bengal

**TRANSPORT DEPARTMENT, WEST BENGAL
FORM 47**

[See Rule 87(2) of CMVR-1989]

AUTHORISATION CERTIFICATE OF N.P.(GOODS)

- 1. National Permit Authorization No. : NP/WB/999/0853148/05705/2005 Date 28/02/2011
- 2. Name & Address of Permi Holder : M/S. BHAGWANDAS VYAPER UDYOG LTD.
194, S. P. MUKHERJEE ROAD,
KOLKATA - 700 026
- 3. Registration Mark of Vehicle : **WB 23A 5657**
- 4. Date of Registration : 21-01-2004
- 5. Maker of Model : TATA 2004
- 6. Engine Number : 697TC45MWZ1232
- 7. Chassis Number : 373341MWZ135195
- 8. Validity of NP Authorization : **04-03-2014**
- 9. Type of Vehicle : HEAVY GOODS VEHICLE
- 10. GVW (in Kgs) : 16,200
- 11. Unladen Weight (in Kgs) : 6,200
- 12. Seating Capacity : 3

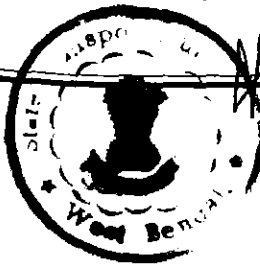


The National Permit is Authorized Throughtout the Territory of India (01-03-2011 to 28-02-2012)

Certificate that the National Permit holder has paid the consolidated fee of Rs. 15000/-
Challan Transaction id. 24172165 dated: 10-02-2011
at State Bank of India

Printed on: 28-02-2011 02:25:26 PM


Deputy Secretary
State Transport Authority
Secretary, STA, KOLKATA, WEST BENGAL

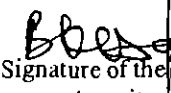


02-37-
86

Challan for payment of consolidated fee for National Permit

(to be submitted in Triplicate)

 भारतीय स्टेट बैंक State Bank of India	USE CBS SCREEN No.- 7123
(CASH CAN BE TENDERED AT ANY SBI BRANCH)	

Transaction Id	001172667419
Name of the vehicle owner	M/S. BHAGWANDAS VYAPER UDYOG LTD.
Address	194, S. P. MUKHERJEE ROAD, KOLKATA - 700026
Registration number of the vehicle	WB 23A 5657
Name of the road Transport Authority who to issue National Permit	Secretary, STA, KOLKATA, WEST BENGAL
Head of Account	8449-Other Deposist 121-National Permit Account 01-National Permit for Goods transport vehicles
Account Officer by whom adjustable	Pay & Accounts Office(Secretariat) Ministry of Road Transport and Highways New Delhi
Mode of payment	CASH
Consolidated Fee	Rs.15000/-(Rupees fifteen thousand only)
SBI branch who will report the consolidated amount of receipts (FPB)	State Bank of India, New Delhi Main Branch
1000 x =	Date: 10-02-2011  Signature of the depositor
100 x =	
100 x =	
10 x =	
10 x =	
10 x =	
TOTAL	

For Use in the Bank

Received payment of Rs. 15000/-(Rupees fifteen thousand only) on

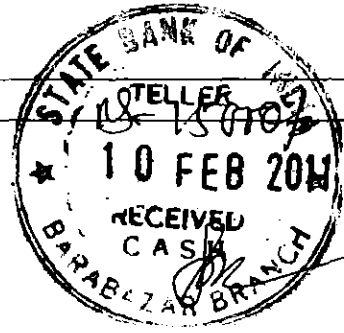
1 0 0 2 2 0 1 1

BANK JOURNAL No.:
(only numeric)

[Redacted]

(DD|MM|YYYY)

Name of the Branch:



Signature of the authorized Signatory
of the receiving branch with stamp.



Bajaj Allianz General Insurance Company Ltd.

GE Plaza, Airport Road, Yerwada, Pune - 411008(India)

CERTIFICATE CUM POLICY SCHEDULE

Policy Servicing Off: 738/2, Diamond Harbour Road, 1st Floor, , , Kolkata-700008 Phone No :033-24889773
 Policy Number **OG-11-2430-1803-00006899** Product Commercial Vehicle - Package Policy
 Vehicle Type Goods Carrying, Public Carrier
 Period Of Insurance From: ~~09-Feb-2011 00:00~~ To: ~~08-Feb-2012 Midnight~~
 Policy issued on 10-Feb-2011
 Cover Note No MC1001139491
 Application No
 Insured Name **BHAGWANDAS VYAPAR UDYOG LTD** Scrutiny No 9488520
 Insured Address **14 SHYAM PRASAD MUKHERJEE ROAD, KOLKATA - 700028** Zone A
 Customer ID 2431147 Premium Payer ID 2431147
 Transaction Id
 Policy Status **ISSUED**

Registration No.	Make	SubType	Model	GVW	Mfg year	Seat Cap	Chassis number	Engine Number
WB23A5657	TATA	HALF DECK LOAD BODY	LPT 1613	16200	2004	2	2135195	2123200

Vehicle IDV	Etec Acc	Non Elec Acc	Trailer	CNG/LPG Unit	Total Sum Insured
380000	0	0	0	0	380000

SCHEDULE OF PREMIUM

OWN DAMAGE		LIABILITY	
Total Own Damage Premium:	3380.5	Basic Third Party Liability	6090
		LL For Operation/Maintenance For 2 Person	50
		Total Liability Premium:	6140
Total premium	9520.5		
Special Discount	0		
Net Premium	9521		
Service Tax	952		
Edu Cess	29		
Final Premium Rs.	10502	***All premium Figures are in Rupees	

Geographical Area : INDIA No Claim Bonus : -50% Voluntary Excess : Nil

Compulsory Deductible : Rs.1000 Additional Compulsory Deductible : Rs.0

Previous Policy No. 311400/31/2010/4618 Expired On 08-FEB-11

The above Total OD Premium is inclusive of all applicable Loading/Discounts viz (Automobile Association Membership, Voluntary Excess, Anti-Theft, Handicap Person, Driver Tuition, Fibre Glass, Cng/Lpg Unit, Geographical Extn, Imported Vehicle etc wherever applicable)

LIMITS OF LIABILITY: Under Section II-I(i) of the policy -> Death of or bodily injury : Such amount as is necessary to meet these requirements of the Motor Vehicles Act, 1988. Under Section II-I(ii) of the policy -> Damage to Third Party Property : Rs.750000/-

LIMITATION AS TO USE: The Policy covers use only under a permit within the meaning of the Motor Vehicle Act, 1988 or such a carriage falling under Sub-section 3 of Section 66 of the Motor Vehicle's Act 1988. The Policy does not cover use for : Organised racing, Pace Making, Reliability Trials, Speed Testing

DRIVER : Any person including the insured : Provided that a person driving holds an effective driving licence at the time of the accident and is not disqualified from holding or obtaining such a licence. Provided also that the person holding an effective Learner's licence may also drive the vehicle when not used for the transport of goods at the time of the accident and that such a person satisfies the requirements of Rule 3 of the Central Motor Vehicles Rules, 1989.

IMPORTANT NOTICE: The Insured is not indemnified if the vehicle is used or driven otherwise than in accordance with this Schedule. Any payment made by the Company by reason of wider terms appearing in the Certificate in order to comply with the Motor Vehicle Act, 1988 is recoverable from the Insured. See the clause headed "AVOIDANCE OF CERTAIN TERMS AND RIGHT OF RECOVERY".

Subject To IMT Endorsement Nos : 21, 39 & Policy wordings attached herewith

Agency Code 10019837	Agency Name : BIKASH PAUL
Contact No : 0/9433236474	Email -

Damage Details as per Annexure 1

Premium Collection Details :- [Receipt No/Collection No/Amount] 2401-00606844 / 1 / Rs. 10502 .

*** If premium paid through cheque, the policy is void ab-initio in case of dishonour of cheque.

This certificate of insurance is issued in accordance with the provision of Chapter X and Chapter XI of M.V. Act, 1988.

Damage Details Annexure : -

Remarks

In case of any claim, please contact our 24 Hour Call centre at 1800-22-5858, 1800-102-5858 (Toll Free) / 91-020-30305858 (chargeable, add area code before this number in case of mobile call) or email us at 'info@bajajallianz.co.in'.

9488520/10019837/MC1001139491

Kindly contact our nearest / local office(s) for No Claim Bonus Confirmations.

This document is a pre signed document and will not be valid unless QC Verified and Signed/Counter Signed by an authorized signatory of Bajaj Allianz General Insurance Co.Ltd.

For & On Behalf of Bajaj Allianz General Insurance Company Ltd.

Authorized Signatory



Service Tax Reg. No. AABC85730G-ST-001

- Latest Schedule - 11-Feb-2011 12:05:03 PM (Web)

Form No. 3/2004 dated

GOVERNMENT OF WEST BENGAL
MOTOR VEHICLES DEPARTMENT BARHATY ROAD NORTH 24 PARGANAS

25



39

CERTIFICATE OF REGISTRATION

Registration No. **WB23A5657** TRUCK

a) Date of First Registration **21-JAN-2004**

Previous Regn. No., if any

Owner's Name **BHAGWANDAS VYAPAR UDYOGS LTD.**

S/D: **C**

Colour **N. P.**

Permanent Address **194 S.F. MUKHERJEE ROAD
KOL-26**

5. Temporary Garage Address **47 BIDYATAN SARANI
KOL-35**

6. Cylinders **BG**

7. Make **TATA**

8. Model **P/SIDE3**

9. Year of Manufacture **2003**

10. Gross Weight **6**

11. Gross Wt. of Trailer Chassis No. **373 341 MWZ 1 35195**

12. Gross Wt. of Trailer **697 3745 MWZ 1 23200**

13. Gross Wt. of Motor / Cub Capacity **35 / 5675**

14. Wheel Base **5**

15. Wheel Span **2(16.00x20)**

16. Wheel Span **4(10.00x20)**

17. Wheel Span Height

18. Wheel Span **5800**

19. Wheel Span **10200**

20. Wheel Span **6200** **RG**

21. Wheel Span **16200** **RG**

22. Date of Issuance **19-JAN-2005**

Registered Owner
BHAGWANDAS VYAPAR UDYOGS LIMITED

ICICI BANK LTD.
A.G.S. ROAD
OL-19

[Handwritten signature]
22

संलिप्तता है एवं अनुदानित खाद्यान्न का डायभर्सन एवं कालाबाजारी किये जाने के आरोप की पुष्टि करता है, जिसके लिए ट्रक मालिक भी समान रूप से दोषी है। साथ ही उपयोग में लाये गये ट्रक सं०- WB-23A-5657 तथा उसके चालक भी कालाबाजारी का दोषी हैं। इसलिए ट्रक को भी राज्याधिग्रहण में लिया जाना उचित है। इस तरह के सदृश्य मामले में माननीय उच्चतम न्यायालय द्वारा पारित आदेश की कंडिका 7 का उद्धरण निम्नवत है:- "In Shambhu Dayal Agarwala V. State of W.B. 1990(3) SSC.569 after considering the scheme of sections 6A and 7 and dealing with the provision (ii) to sub-section (2) of Section of Section 6-a, this court observed. (SSCp.555,para6)" Section 6A therefore, merely confers power of confiscation and not the power of release, disposal, distribution, etc, except to the limited permitted by sub-section (2) thereof. Of course, the second provision to 7 sub-section (1) of section 6A permits the grant of an option to pay, in lieu of confiscation of any animal, vehicle, vessel or other conveyance, a fine equal to its market price at the date of seizure."

माननीय उच्चतम न्यायालय द्वारा क्रिमिनल अपील नं०-1075-76/2012 बिहार राज्य बनाम अरविन्द कुमार एवं अन्य में दिनांक 23-07-2012 को दिये गये न्याय निर्णय में शंभू दयाल अग्रवाल बनाम पश्चिम बंगाल राज्य एवं अन्य (1990) 3 एस. एस.सी.549 में पारित आदेश का उद्धरण दिया गया है, जो निम्नवत है:- Whenever any essential commodity is seized pending confiscation under Section-6A, the Collector has no power to order release of the commodity in favour of the owner."

उपरोक्त वर्णित तथ्यों के आलोक में आवश्यक वस्तु अधिनियम की धारा-6ए के अन्तर्गत प्रदत्त शक्तियों का प्रयोग करते कालाबाजारी के उद्देश्य की प्रतिपूर्ति हेतु उपयोग में लाये गए ट्रक सं०- WB-23A-5657 को राज्याधिग्रहण में लिये जाने का आदेश दिया जाता है। धारा-6(ए)(1)(सी) आवश्यक वस्तु अधिनियम 1956 के तहत जप्त वाहन की तिथि से बाजार दर की राशि के समतुल्य जुर्माना राशि जमा कराकर मुक्त करने का प्रावधान है, जिसका माननीय उच्चतम न्यायालय द्वारा भी Civil Appellate Jurisdiction Civil Appeal No. 755/2009 (Arising out of SLP(C) No. 4959 of 2007) Collector of Ganiam and Ramesh Chander Padhi में भी आदेश की कंडिका 7 में अनुमोदन दिया गया है। यदि वाहन मालिक अपना वाहन विमुक्त कराना चाहे तो वे तदनुसार मुक्त करवा सकते हैं। जिला परिवहन पदाधिकारी, मधेपुरा को आदेश दिया जाता है कि वे वाहन मालिक से जप्त वाहन जिस दिन जप्त की गई थी, उस दिन का बाजार दर की राशि के समतुल्य राशि जुर्माना जमा कराकर वाहन मुक्त करने की कार्रवाई अपने स्तर से करेंगे।

आदेश की प्रति पुलिस अधीक्षक, मधेपुरा/ अनुमंडल पदाधिकारी, उदाकिशुनगंज/ अनुमंडल पुलिस पदाधिकारी, उदाकिशुनगंज/ लोक अभियोजक, मधेपुरा/ जिला प्रबंधक, राज्य खाद्य निगम, मधेपुरा/ सहायक गोदाम प्रबंधक, राज्य खाद्य निगम, बिहारीगंज/ यानाध्यक्ष, ग्वालपाड़ा/ ट्रक मालिक श्री ओम प्रकाश यादव पे० श्री नवल किशोर यादव, सा० लक्ष्मीपुर, थाना उदाकिशुनगंज, जिला मधेपुरा को भेजे तथा एक प्रति मधेपुरा के वेवसाईट पर भी प्रकाशनार्थ भेजे।

लेखापित एवं शुद्धिकृत,
समाहर्ता, मधेपुरा।



समाहर्ता,
मधेपुरा।

(Handwritten signature)
प्रभारी पुलिस अधीक्षक,
मधेपुरा।

डी० नं० ३७५...विधि, मधेपुरा, दिनांक... 17/07/2014
प्रतिलिपि: प्रतिवादी- ट्रक मालिक श्री ओम प्रकाश यादव पे० श्री नवल किशोर यादव, सा० लक्ष्मीपुर, थाना उदाकिशुनगंज, जिला मधेपुरा एवं अनुपालनार्थ प्रेषित।
प्रतिलिपि: पुलिस अधीक्षक, मधेपुरा/ अनुमंडल पदाधिकारी, उदाकिशुनगंज/ अनुमंडल पुलिस पदाधिकारी, उदाकिशुनगंज/ लोक अभियोजक, मधेपुरा/ जिला प्रबंधक, राज्य खाद्य निगम, मधेपुरा/ सहायक गोदाम प्रबंधक, राज्य खाद्य निगम, बिहारीगंज/ यानाध्यक्ष, ग्वालपाड़ा को सूचना एवं आवश्यक कार्रवाई प्रेषित।
प्रतिलिपि: जिला सूचना विभाग अधिकारी, मधेपुरा को मधेपुरा जिला के वेवसाईट पर प्रकाशनार्थ प्रेषित।

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