

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.760 of 2013

Arising Out of PS.Case No. -null Year- null Thana -null District- BHOJPUR

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1. Sri Bhagwan Sharma, son of Ram Lagan Sharma, R/O Village-Louhar Farana, P.S.-Barahara, District-Bhojpur, at present posted as Hawaldar, Civil Court, Sasaram, Police Department, under Superintendent of Police, Dihari, Rohtas

.... Petitioner/s

Versus

1. The State of Bihar
2. Smt. Sundar Kalo Devi, D/O Ram Lagan Sharma, R/O Village-Ekawana, P.S.-Udwant Nagar, District-Bhojpur, at present residing at Village-Louhar Farana, P.S.-Barahara, District-Bhojpur, &
3. Raju Kuamr, son of Shri Bhagwan Sharma, R/O Village-Ekawana, P.S.-Udwant Nagar, District-Bhojpur, at present residing at Village-Chhaparapar, P.O.-Louhar Farana, P.S.-Barahara, District-Bhojpur, &

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kumar Madhurendra, Advocate
For the Respondent/s : Mr. Ram Lallan Singh, Advocate
APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 27-07-2015

The Petitioner seeks quashing of the order dated 18.08.2012 by which the Principal Judge, Family Court, Bhojpur at Ara, in Misc. Case No.136 of 2011 issued Distress Warrant against the Petitioner for realization of ₹1,91,900/-.

A report was called for from the controlling authorities of the Petitioner and it is reported by the Sr. Superintendent of Police, Muzaffarpur, that a sum of ₹9,595/- per month is deducted from the salary of the Petitioner and credited in the account of the Opposite Party No.2. Altogether, a sum of ₹67,165/- has been

credited.

The authorities i.e. Sr. Superintendent of Police, Muzaffarpur, is further directed to deduct the entire amount at the rate it has fixed till such time as a whole it is cleared.

Since now deduction is under the control of the Sr. Superintendent of Police, Muzaffarpur, I see no reason why the Petitioner should be put behind the bars.

Hence, the order dated 18.08.2012 passed by the Principal Judge, Family Court, Bhojpur at Ara, in Misc. Case No.136 of 2011 issuing Distress Warrant against the Petitioner is hereby set aside.

The application stands allowed.

Let this order be communicated to the Sr. Superintendent of Police, Muzaffarpur, for proper compliance.

(Anjana Prakash, J)

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