

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CIVIL MISCELLANEOUS JURISDICTION No.874 of 2016**

Dr. Surendra Singh

.... Appellant/s

Versus

Rani Devi

.... Respondent/s

**Appearance :**

For the Appellant/s : Mr. Harsh Singh

For the Respondent/s : Mr.

**CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR  
SAHOO  
ORAL ORDER**

3      22-10-2016      This civil miscellaneous application has been listed under the heading “To be mentioned” at the instance of the Court.

It appears that this order impugned dated 11.08.2014 and 10.05.2016 arise out of a proceeding under Section 125 Cr.P.C. Therefore, this civil miscellaneous application is not maintainable in view of the Division Bench decision reported in 2008 (4) P.L.J.R. 817. However, at the time of passing of the order dated 21.10.2016 this decision was not noticed. Therefore, order dated 21.10.2016 passed by this Court is hereby recalled.

The petitioner is permitted to convert this civil miscellaneous application to appropriate criminal proceeding before the High Court within 28.10.2016. If it is not converted within the aforesaid period, this civil miscellaneous application shall stand dismissed as not maintainable.

Harish/-

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**(Mungeshwar Sahoo, J)**