

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.555 of 2016

Arising Out of Complaint Case No. 348(c) of 2006, Thana
Buxar Town, District- BUXAR

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1. Narendra Kumar Singh S/o Late Rajendra Bahadur Singh, R/o Satyadeo Ganj
(Near Tarka Nala), Main Road, Buxar, P.S.-Buxar(Town), District- Buxar.

.... Petitioner

Versus

1. The State of Bihar
2. The District Magistrate, Buxar.
3. The Superintendent of Police, Buxar, District-Buxar.
4. Shiv Kumar Shaiv S/o Late Sitaram Ramaiya, R/o Pirojgarh, P.S.-Ghoghradih,
District- Madhubani, then Executive Officer, Buxar Nagar Parishad cum Circle
Officer, Buxar, District- Buxar.

.... Respondents

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Appearance :

For the Petitioner/s : None

For the Respondent/s : Mr. Raj Ballabh Pd. Yadav, AAG 11
Mr. Dinesh Maharaj, Advocate
Dr. Sanjay Kumar Singh, AC to AAG 11

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date: 17-09-2016

This writ petition, which has been made under Article 226
of the Constitution of India, challenges the order, dated 19.08.2010,
passed in Complaint Case No. C-348 of 2006, whereby learned Chief
Judicial Magistrate, Buxar, has found a *prima facie* case against
respondent No.4, namely, Shiv Kumar Shaiv, under Sections 323 and



427 of the Indian Penal Code and, by order, dated 19.08.2010, has directed the complainant to obtain sanction order, under Section 197 of the Code of Criminal Procedure, for prosecution against the accused respondent No.4 aforementioned.

None has appeared on behalf of the petitioner.

However, Mr. Raj Ballabh Pd. Yadav, learned Additional Advocate General No.11, appearing for the State respondents is present.

Mr. Raj Ballabh Prasad Yadav, learned Additional Advocate General No. 11, appearing for the State respondents, is correct in submitting that no order of sanction for prosecution, in terms of provision of Section 197 Code of Criminal Procedure, is required in the facts and circumstances of the present case for offences aforementioned. Hence, the direction, which has been given by the order, dated 19.08.2010, to obtain sanction for prosecution, under Section 197 of the Code of Criminal Procedure, is hereby set aside and the learned Court below is directed to proceed further with the Complaint Case No. 348(c) of 2006 in accordance with law and dispose of the same expeditiously, preferably, within a period of six months from the date of receipt/production of a copy of this order.

In terms of the above observations and directions, this writ

petition shall stand disposed of.

Send a copy of this order to the Court of learned Chief
Judicial Magistrate, Buxar, for needful.

(I. A. Ansari, CJ)

A.I./-

AFR/NAFR	NA
CAV DATE	NA
Uploading Date	19.09.2016
Transmission Date	19.09.2016