

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16142 of 2014

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

=====

Sri Ram Sharma, Son of Late Govind Singh, Resident of Village- Palya, Police
Station- Makhdumpur, District- Jehanabad

.... Petitioner/s

Versus

1. The State of Bihar
2. Hari Ram Sharma Son of Late Bashistha Singh R/o Village- Palya, P.S. And Post
Office- Makhdumpur, District- Jehanabad

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Umesh Kumar

For the Opposite Party/s : Mr. Pranav Kumar, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA

ORAL JUDGMENT

Date: 22-09-2017

Heard both the parties.

Petitioner, by means of this application under section
482 of the Cr. P.C., have invoked the inherent jurisdiction of this
Court with prayer to quash the order dated 13.05.2013 passed by the
learned Executive Magistrate, Jehanabad in connection with Case No.
567M of 2002, whereby new Advocate Commissioner has been
appointed and further for quashing of the order dated 08.01.2014
passed in the aforesaid case by the learned S.D.J.M., Jehanabad,
whereby he has directed to issue writ for producing measurement
report.

The contention of learned counsel for the petitioner is
that no offence against the petitioner is disclosed and the present
prosecution has been instituted with *mala fide* intention for the



purposes of harassment. The Court below without hearing and giving any opportunity to the petitioner allowed the application of the opposite party no. 2 and appointed Advocate Commissioner for measurement of the disputed land. The proceeding of the Court below is nothing but abuse of the process of the Court. Hence, the impugned orders passed by the Court below ought to be quashed in the interest of justice.

Learned counsel appearing for the State opposes the application by contending that no ground for quashing the entire proceedings is made out.

Both the orders dated 13.05.2013 passed by the learned Executive Magistrate, Jehanabad in connection with Case No. 567M of 2002 and 08.01.2014 passed by the learned S.D.J.M., Jehanabad, are revisable orders and in view of the fact that the applicant has an alternative remedy to file a revision against the same, this Court is not inclined to interfere in the matter by exercising its extraordinary jurisdiction under section 482 Cr. P.C.

Accordingly, the application is dismissed.

(Arvind Srivastava, J)

Shailendra/-

AFR/NAFR	NAFR
CAV DATE	24.07.2017
Uploading Date	23.09.2017
Transmission Date	23.09.2017

