

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.41127 of 2016

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Krishna Prasad @ Anil Prasad @ Ambika Rai S/o late Dev Narayan Rai
R/o Mohalla- Raghunath tola, Anisabad PS Gardanibagh, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Sub Divisional Magistrate, Patna Sadar, Patna.
3. Manoj Kumar S/o late Dev Narayan Rai R/o Mohalla- Raghunath tola,
Anisabad PS Gardanibagh, District Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar Verma

For the Opposite Party/s : Mr. Sri Satya Nand Shukla

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

03/ 20-04-2017

Heard learned counsel for the petitioner and
the learned counsel for the State.

The present application has been filed for
quashing the entire proceeding of Case No. 264(M) of 2015
pending in the court of learned Sub-divisional Magistrate, Patna
Sadar, wherein after initiation of proceeding under Section 144
Cr.P.C. the same has been converted into a proceeding under
Section 145 Cr.P.C.

It is submitted by learned counsel for the



petitioner that the petitioner had challenged the order dated 30.04.2015 passed by learned Sub-divisional Magistrate, Patna Sadar in Case No. 264(M) of 2015 whereby proceeding under Section 144 Cr.P.C. has been converted into proceeding under Section 145 Cr.P.C. in Criminal Revision No. 434 of 2015. The same was disposed of by learned Sessions Judge, Patna vide order dated 23.02.2016 with a liberty to raise the grievance before the learned SDM, Patna Sadar, who will pass necessary order in exercise of jurisdiction under Section 145(5) Cr.P.C. but the learned SDM has not passed any order under Section 145(5) Cr.P.C.

The learned counsel for the petitioner now confines the prayer for a direction to learned SDM to pass necessary order under Section 145(5) of the Cr.P.C. as directed by learned Sessions Judge, Patna vide order dated 23.02.2016 passed in Criminal Revision No. 434 of 2015. The petitioner has already filed a petition under Section 145(5) Cr.P.C. for dropping of the proceeding.

Hence, this application is disposed of.

It is expected from learned SDM, Patna Sadar to pass appropriate order under Section 145(5) Cr.P.C. in accordance with law in Case No. 264(M) of 2015, if the such



order has not been passed as yet, within a period of two months
after giving due opportunity of hearing to all the affected persons.

(Dinesh Kumar Singh, J)

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