

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2347 of 2018

Arising Out of PS. Case No.- Year- Thana- District- East Champaran

1. LAL BABU PRASAD @ LAL BABU PRASAD JAISWAL
2. Shatrudhan Prasad
3. Shambhu Prasad
all sons of Late Raghubir Prasad @ Raghubir Sah
4. Vikash Kumar
5. Prabhat Kumar
both sons of Late Babu Prasad
All R/o villge- Thakurbadi, P.S.- Motihari Town, District- East Champaran
... .. Petitioners

Versus

1. The State Of Bihar Through The Director General Of Police, Govt. Of Bihar, Patna
2. The District Magistrate, East Champaran
3. The Sub-Divisional Magistrate, Sadar, Motihari, East Champaran
4. The Circle Officer, Motihari, East Champaran
5. The Officer-in-Charge, Motihari Town Police Station, East Champaran
6. Jamirul Haq son of Late Abdul Gaffar, R/o village- Thakurbadi, P.S.- Motihari, District- East Champaran
.. ... Respondents

Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Pandey
For the Respondent/s : Mr. Sheo Shankar Prasad

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 30-10-2018 The present writ application has been preferred for setting aside the order dated 18.05.2018 passed in Case No. 538 M of 2018 by which the learned Sub-Divisional Magistrate, Sadar, Motihari has initiated a proceeding under Section 145 of the Code of Criminal Procedure and issued notice to the present petitioners.

Learned counsel for the petitioners submits that the petitioners are the owner of the land in question, therefore, initiation of the proceeding under Section 145 Cr.P.C. is bad in



law.

On the other hand learned counsel for the State is present and submits that in the given facts and circumstances, this Court may direct for disposal of the proceeding initiated under Section 145 Cr.P.C. at the earliest after hearing all concerned.

In the nature of reliefs prayed in the application and the submissions advanced at the Bar, this Court would direct the Sub-Divisional Magistrate, Sadar, Motihari to conclude the inquiry and hearing of the parties concerned and dispose of the proceeding under Section 145 Cr.P.C. within a period of four months from the date of receipt/production of a copy of this order.

It is made clear that the Sub-Divisional Magistrate, Sadar, Motihari shall not grant any unnecessary adjournment to either parties and all endeavours shall be made to conclude the inquiry at the earliest opportunity.

This application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

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