

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1602 of 2018

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Puna Devi

.... Petitioner/s

Versus

The State of Bihar Through The Director General of Police & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Priyesh Kumar, Advocate

For the State : Mr. Shailesh Kumar, AC to GP-5

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN

PRASAD

ORAL ORDER

2 29-06-2018

Let the defects pointed out by the office be ignored.

Learned counsel for the petitioner submits that the grandson of the petitioner is an accused in a case, who is absconding and because of that, steps under section 82 Cr.P.C. has been taken by the Court below.

It is the submission of learned counsel that so far as issuance of process against the accused is concerned, the petitioner can not have any grievance but the petitioner has been compelled to move this Court invoking its extraordinary writ jurisdiction only because the process, issued under section 82 Cr.P.C has been sought to be executed against a self-acquired property of the petitioner, which she has got by virtue of Probate, granted in her favour. Learned counsel for the petitioner further submits that in fact, an application seeking clarification or execution of the order, passed by the Court below against the property of this petitioner



has been filed by the petitioner but the Court below has not considered the same.

Learned counsel for the State is present.

Considering the facts and circumstances of the case and the fact that the petitioner claims to have acquired the property, in question under Probate but the process under section 82 Cr.P.C. has been sought to be executed against her property, I direct the Court below to consider the application, filed by the petitioner in this regard within one week from the date of receipt of a copy of this order.

The Court below shall pass appropriate order in accordance with law after taking into consideration the materials placed and submission of the petitioner. Till consideration of the application of the petitioner, for a week, the execution of the process under section 82 Cr.P.C. shall remain stayed.

Application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

A.K.V./Archana

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