

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.938 of 2015

In
Criminal Miscellaneous No.1414 of 2015

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

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Raj Kishore Sah, S/o Bunna Sah, resident of Village- Taulaha, P.S.-
Ramnagar, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ravikesh Chaturvedi, son of Late Ram Narayan Choubey resident of Village-
Taulaha, P.S.- Ramnagar, Distt- West Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Vijay Kr Singh No. 1 Mr. Aditya Nath Jha
For the Respondent/s	:	Mr. Ganesh Prasad Singh (App)
For the Respondent No. 2 :	:	Mr. Vikas Ratan Bharti

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

6 26-06-2018 The petitioner (second party) has challenged the order dated 20.11.2014 passed by the learned Sub-Divisional Magistrate, Bagaha, District West Champaran in connection with Case No. 668 of 2014 whereby the property in question has been attached and the Circle Officer, Ram Nagar has been appointed as the receiver.

Learned counsel for the petitioner submits that the proceeding under Section 144 of the Code of Criminal Procedure which was initiated earlier at the instance of the opposite party no. 2 was later dropped. Later again a proceeding under Section 145 of the Code of Criminal Procedure was initiated at the instance of opposite party no. 2. Though the petitioner has not



challenged the order of the learned Magistrate dated 16.07.2014, initiating a proceeding under Section 145 of Cr.P.C. but has only assailed the impugned order of attachment.

Learned counsel for the petitioner has submitted that the order does not refer to the satisfaction of the learned Magistrate for attaching the property under Section 146(1) Cr.P.C.

The records reveal that on 16.07.2014, a proceeding under Section 145 Cr.P.C. was initiated at the instance of opposite party no. 2. Thereafter a police report was called and on perusal of the police report and on finding that there is likelihood of breach of peace while reaping the standing crops over the plot of land in question, the learned Magistrate has attached the property and has appointed the Circle Officer, Ram Nagar, as receiver.

Learned counsel for the opposite party no. 2 has informed this Court that the proceeding under Section 145 Cr.P.C. is almost on completion and the evidence on behalf of the opposite party no. 2 (first party in the proceeding) is almost complete.

In the aforesaid situation, this Court is not inclined to interfere with the order passed under Section 146 (1) of the Cr.P.C. specially for the reason that the



order was passed in the year 2014 and the proceeding under Section 145 of the Cr.P.C. is almost on the point of completion.

However, the learned Executive Magistrate, dealing with the matter, is directed to conclude the proceedings as expeditiously as possible, preferably within a period of three months from the date of passing of this order/production of a copy of this order.

With the aforesaid observation and direction, the petition is disposed of.

(Ashutosh Kumar, J)

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