

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1184 of 2018

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Dr. Binod Kr. Jha, son of Sri Kusheshwar Jha, R/o Village- House No-1/A-2,
Ashiana Nagar, P.S. Rajiv Nagar, District-Patna.

.... Petitioner/s

Versus

1. The State of Bihar, Through Director General of Police
2. Senior Superintendent of Police, Patna.
3. The City Superintendent of Police, West Patna.
4. The SHO, Rajiv Nagar Police Station, Patna.
5. The Assistant Sub-Inspector of Police, Rajiv Nagar P.S, Patna.
6. The Sub-Divisional Magistrate, Sadar, Patna.
7. Sadan Kumar Lal Das, Son of Late Bindeshwas Lal Das, R/o Village-House
No.1A/01, Ashiana Nagar, P.S. Rajiv Nagar, District-Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kamlesh Kumar, Adv.

For the Respondent/s : Mr. Sheo Shankar Prasad, SC-8

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

Date: 11-05-2018

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

Petitioner has moved this Court for quashing of the notice dated
10.12.2017 issued by the S.D.M, Sadar Patna in Misc. Case No.2255 (M)/2017 by
which a proceeding under Section 107 of Code of Criminal Procedure has been
initiated and the petitioner has been called upon to appear and file his show cause.

Learned counsel for the petitioner submits that even though
pursuant to receipt of the notice petitioner has appeared and filed his show cause
but the proceeding is not being disposed of despite several dates and appearances
made by the petitioner and this amounts to harassment to him. Learned counsel
for the petitioner has though attempted to take this Court through the merit of the



allegations and at one stage contended before this Court that the nature of the allegation is not in the nature of a public nuisance or it would not be covered within the meaning of public nuisance as alleged against the petitioner, this Court having appreciated that the matter is still pending before the learned S.D.M, Sadar, Patna, has refrained itself from going into such kind of contention at this stage.

Learned counsel for the State is present.

In the facts and circumstances pleaded before this Court, at this stage, this Court would direct the S.D.M, Sadar Patna to fix a date of hearing in the matter within a period of 15 days from the date of receipt/production of a copy of this order, give opportunity to the parties to represent their case and dispose it of within a period of one month after hearing the parties. The S.D.M, Sadar Patna, will definitely keep in mind that the prolong pendency of the cases of this nature are in the nature of harassment to the parties, therefore, every efforts should be taken to dispose it off within the prescribed period.

The Writ application stands disposed off.

(Rajeev Ranjan Prasad, J)

Arvind/R.R.Ojha

AFR/NAFR	NAFR
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