

**HIGH COURT OF CHHATTISGARH, BILASPUR****WPCR No. 359 of 2017**

The Raipur Bastar Koraput Parivahan Sangh A Registered Sangh Under The Registrar Of Firms And Societies Chhattisgarh Having Its Registered Office Presently At Gurudwara Complex, Devpuri, Raipur, Chhattisgarh Through Its Member Kuljit Singh Aged About 59 Years S/o Shri Surender Singh R/o Vidhan Sabha Road, Behind Mata Riksha Garage, Pandari Raipur, Chhattisgarh., Chhattisgarh ---  
**Petitioner**

**Versus**

1. State of Chhattisgarh Through Its Secretary, Home / Transport Department, Secretariat, Mahanadi Bhawan, Capital Complex, New Raipur, District Raipur, Chhattisgarh.,
2. Collector-Cum-District Magistrate, Raipur, District Raipur, Chhattisgarh.,
3. Registrar, Firms & Societies Chhattisgarh, Indravati Bhawan, Block 1, 3rd Floor, New Raipur, District Raipur, Chhattisgarh.,

**Respondents**


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| For the applicant | : | Mr. Y. C. Sharma, Advocate       |
| For the State     | : | Mr. Adhiraj Surana, Panel Lawyer |

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**Hon'ble Shri Justice Goutam Bhaduri****Order on Board****22.02.2018**

1. The instant petition is against the order dated 07.07.2017 whereby the operation of the Raipur Bastar Koraput Parivahan Sangh, Raipur was restrained by the District Magistrate Raipur in exercise of powers under section 144 of the Code of Criminal Procedure.
2. Learned counsel for the petitioner submits that pursuant thereto, the bank account was subsequently seized though such order automatically comes to a natural end after expiry of period of two months as it has not been further extended by the State.
3. Reply has not been filed on behalf of the State. Learned

State Counsel do not dispute the fact that the order dated 07.07.2017 can only survive for two months as per the provisions of section 144(4) of Cr.P.C.

4. perused the impugned order dated 07.07.2017. Reading of sub-section (4) of section 144 of Cr.P.C., would show that the order passed by the District Magistrate shall not remain in force beyond the period of two months from the date of passing of the said order unless and until it is further extended by the State Government. Here in the instant case, there is nothing on record to show that the State Government has extended the period and therefore prima facie it appears that the order dated 07.07.2017 has come to an end by application of proviso to sub-section (4) of section 144 of Cr.P.C., which reads as under:

**“144. Power to issue order in urgent cases of nuisance or apprehended danger.-**

(1) to (3) \* \* \* \* \*

“(4) No order under this section shall remain in force for more than two months from the making thereof:

Provided that, if the State Government considers it necessary so to do for preventing danger to human life, health or safety or for preventing a riot or any affray, it may, by notification, direct that an order made by a Magistrate under this section shall remain in force for such further period not exceeding six months from the date on which the order made by the Magistrate would have, but for such order, expired, as it may specify in the said notification.”

5. In view of this, Annexure P-1 has become infructuous for

passage of time. Consequently the prayer made by the petitioner do not require any consideration. It is made clear that the consequence of such effect of order 07.07.2017 shall also be followed. Accordingly, the petition stands disposed of.

**Sd/-  
GOUTAM BHADURI  
JUDGE**

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