

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.173 of 2017

Arising Out of PS. Case No.-25582 Year-2014 Thana- PATNA COMPLAINT CASE District-
Patna

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Rakesh Kumar S/o Chakreshwar Pandey, Resident of Gardanibagh, P.S.-
Gardanibagh, District- Patna.

... .. Petitioner/s

Versus

1. State of Bihar through the Secretary, Department of Home, Bihar, Patna
2. The Secretary, Department of Home, Bihar, Patna.
3. The Directorate General of Police, Bihar, Patna.
4. The Senior Superintendent of Police, Patna.
5. The Secretary, Department of Home, Gujrat at Ahmadabad.
6. The Directorate General of Police, Gujrat, Ahmadabad.
7. The Superintendent of Police Bhuj at Bhuj, Gujrat.
8. The Dy. S.P., Bhuj at Bhuj, Gujrat.
9. The Station Head Officer, Bhuj Police Station at Bhuj, Gujrat.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amresh Kumar Sinha, Advocate
For the Respondent/s : Mr. Prabhat Kumar Verma, AAG-3

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 03-07-2019

This application under Articles 226 and 227 of the Constitution of India has been filed by the petitioner for issuance of direction to the respondent authorities to execute the order dated 25.04.2016 passed by the learned Judicial Magistrate, 1st Class, Patna in Complaint Case No.25582(C) of 2014 whereby the process under Section 83 of the Code of Criminal Procedure has been issued against the accused persons.

2. In the opinion of this Court the writ petition



is misconceived. In case the order passed the Court of Magistrate has not been complied with, the Judicial Magistrate, who has passed the order has ample jurisdiction under the statutory provision prescribed in the Code of Criminal Procedure to deal with the matter and get his order executed. For such purpose, the petitioner ought to have moved an application before the concerned court itself. The proceeding under the extraordinary jurisdiction of this Court cannot be used for the purpose of execution of an order passed by a subordinate court.

3. The application is dismissed.

(Ashwani Kumar Singh, J)

Md. S/-

AFR/NAFR	NAFR
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