

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.868 of 2019

Arising Out of PS. Case No.-12 Year-2014 Thana- UPHARA District- Aurangabad

Shrawan Yadav, Son of Late Munark Yadav, Resident of Village - Bhaluar,
P.O. and P.S.- Uphra, Dist.- Aurangabad.

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary, Home Department, Bihar
2. Superintendent of Police, Aurangabad.
3. Officer in Charge, Uphra Police Station, Aurangabad.

... .. Respondents

Appearance :

For the Petitioner : Mr. Rakesh Kumar Srivastava, Advocate
For the Respondents : Mr. Sheo Shankar Prasad, SC-8

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 18-06-2019

This application under Article 226 of the Constitution of India has been filed by the petitioner for executing the order dated 10.09.2018 passed in G.R. Case No.208 of 2014 arising out of Uphara P.S. Case No.12 of 2014 by the learned Judicial Magistrate-1st class, Aurangabad.

2. By the said order dated 10.09.2018, the learned Magistrate had directed the Officer-in-Charge, Uphara police station to ascertain who was the Branch Manager of Hamidnagar Branch of Madhya Gramin Bank when the alleged offence had taken place on 28.05.2013. He had directed him to submit his report within two months.



3. It has been contended by the learned counsel for the petitioner that the said order dated 10.09.2018 passed by the learned Magistrate has not been executed by the Officer-in-Charge of the police station till date. It has been further contended that the petitioner has no other remedy but to approach this Court in order to get the order of the Magistrate executed.

4. The submission made by the learned counsel for the petitioner is totally misconceived.

5. The Code of Criminal Procedure gives ample power to a court of Magistrate to get its order executed passed in a judicial proceeding. Since the petitioner has a statutory remedy, the extraordinary jurisdiction of this Court can not be exercised for the purpose of getting an order passed by a sub-ordinate court executed.

6. The application is dismissed.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.06.2019
Transmission Date	21.06.2019

