

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No. 341 of 2018

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

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Lallan Mishra Son of Late Brahmdeo Mishra resident of Village Nandpur,
P.O. - Parsauna, P.S. - Sangrampur, District - East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar, through the District Magistrate, East Champaran at Motihari.
2. The Sub-Divisional Magistrate, Areraj, East Champaran.
3. Krishna Mishra Son of Radha Mishra.
4. Sambhu Mishra Son of Uma Mishra. 3 and 4 are resident of Village - Nandpur, P.S. - Sangrampur, District - East Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjay Singh and Mr. Vinod Kumar, Advocates
For the Opposite Party/s :		Mr. Md. Arif, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 18-11-2019

Heard Mr. Sanjay Singh, learned counsel for the petitioner and learned APP for the State.

2. The petitioner has moved the Court against notice dated 15.02.2017, issued by the Sub Divisional Officer, Areraj in the district of East Champaran under Section 145(1) of the Code of Criminal Procedure, 1973, in Case No. 135(M) of 2017.

3. At the very outset, learned counsel for the petitioner fairly submitted that much development has taken place since



filing of the case and presently evidence is going on and the parties are also agnates.

4. However, he submitted that the proceeding dragging on for over two years not only defeats the purpose but unnecessarily creates connected problems, including law and order issues.

5. In view of the order which the Court proposes to pass, it is not deemed necessary to issue notice to the opposite parties no. 3 and 4.

6. As has rightly been submitted by learned counsel for the petitioner, all these type of proceedings in which the Executive Officers are given such powers, are meant to be dealt with at the earliest and pendency defeats both the purpose of giving that power to the officer and also creates further issues. Moreover, one of the basic principles of law is that any proceeding which stands formally constituted, should be taken to its logical conclusion without delay. In the present case, the matter being pending for more than two years nine months, and the stage being examination of witnesses, the Court deems it appropriate, in the general and overall interest of all concerned, and to meet the ends of justice, that final orders be passed in Case No. 135(M) of 2017.



7. Accordingly, the application stands disposed off with a direction to the opposite party no. 2 i.e., the Sub Divisional Officer, Areraj East Champaran to conclude Case No. 135(M) of 2017, at the earliest and in any case within two months from the date of production of a copy of this order before him. The Court would make it clear that no unnecessary and undue adjournment shall be given, and if any party does not cooperate in the proceeding, the officer is competent enough to move ahead after recording the reasons and the conduct of the party concerned.

(Ahsanuddin Amanullah, J.)

P. Kumar

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