

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****CRMP No. 1467 of 2019**

- Omkar Prasad Sharma S/o Late Shri Chhabiram Sharma Aged About 72 Years R/o Near B.D.A. Office, Shakti Chowk, Rajkishore Nagar, Bilaspur, District Bilaspur Chhattisgarh.

---- Petitioner**Versus**

1. Ramkumar Sharma S/o Late Shri Chhabiram Sharma Aged About 65 Years R/o D - 155/6, Junior M.I.G. In Front Of Asha Ata Chakki, Rajkishore Nagar, Bilaspur, District Bilaspur Chhattisgarh.
2. State Of Chhattisgarh Through The Collector, Bilaspur, District Bilaspur Chhattisgarh.

---- Respondents

For Petitioner	:	Shri Keshav Dewangan, Advocate.
For Respondent-State	:	Shri Anant Bajpai, PL

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****28/06/2019**

1. This petition under Section 482 of Cr.P.C. arises out of the order passed by Sessions Judge, Bilaspur dismissing petitioner's Revision application which in turn was preferred against the preliminary order passed by S.D.M., Masturi, District Bilaspur in

exercise of power under Section 145 of the Cr.P.C.

2. Admittedly, the proceedings under Section 145 of Cr.P.C. is still pending consideration before the S.D.M. In its preliminary order, S.D.M. has recorded reasons for passing a preliminary order mentioning that there exists dispute between the parties and breach of peace is apprehended at the time of reaping and harvesting, therefore, a preliminary order is necessary in the facts situation of the case. This decision of the S.D.M. at the initial stage cannot be unsettled by this Court in proceedings under Section 482 of Cr.P.C. Moreover, the order has been affirmed by the Sessions Judge and now there are concurrent orders against the petitioner.
3. In view of the nature of order passed by the SDM and affirmed by the Sessions Judge, there is no scope for interference in this petition under Section 482 of Cr.P.C. The petition is therefore dismissed, however, the SDM is directed to complete the proceedings under Section 145 of Cr.P.C within reasonable time preferably within a period of 04 months from today.

Sd/-

(Prashant Kumar Mishra)
Judge

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