

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 669 of 2019**

- Mahesh Shukla S/o Shri Suryapal Shukla Aged About 45 Years R/o Village Biordadar, Raigarh, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh **---- Petitioner**

Versus

1. Sitadevi Pandey W/o Shri Chandrashekhar Pandey Aged About 55 Years R/o Village Boirdadar, Raigarh, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh
2. The Sub- Divisional Magistrate Raigarh, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh **---- Respondents**

For petitioner	:	Mr. Rakesh Pandey, Advocate.
For respondent No.1	:	Mr. Manoj Paranjpe, Advocate.
For State/respondent No.2	:	Mr. Devendra Pratap Singh, Dy.A.G.

Hon'ble Shri Justice Narendra Kumar Vyas**Order on Board****23-09-2021**

1. The petitioner has challenged the order dated 5-2-2019 passed by the Sub Divisional Magistrate Raigarh in Criminal Case No. 1 of 2019, whereby the application for stay of execution filed by the petitioner under Sections 145 and 146 of Cr.P.C., has been dismissed. While dismissing the said application the Sub Divisional Magistrate directed that the property to be remained in possession of Tahsildar, Raigarh under Supurdnama. The said order was assailed by the petitioner before the revisional court and the revisional court dismissed the revision vide its order date 11-2-2019 passed in Criminal Revision No. 15 of 2019 wherein the revisional Court has held that since it is an interlocutory order,

therefore, the revision is not maintainable. Learned Trial Court recorded its finding that learned Sub Divisional Magistrate has directed the petitioner and respondent No.1 to take their stand before him on 11-2-2019, as such the order dated 5-2-2019 has become interlocutory order, therefore, the revision is not maintainable.

2. Learned counsel for the petitioner and respondent No.1 would submit that the order has been passed on 5-2-2019 and this court while admitting the petition granted status quo on 15-3-2019.
3. Considering the aforesaid submissions and since the proceeding under Section 145 of Cr.P.C., is pending before the Sub Divisional Magistrate for more than two years, it is directed that the Sub Divisional Magistrate, Raigarh shall make endeavor to conclude proceedings pending before him and shall decide the case, in accordance with law, within a period of three months from the date of receipt of copy of this order. It is further directed that the interim order passed on 15-3-2019 shall continue till the case is decided by the learned Sub Divisional Magistrate, Raigarh.
4. With the aforesaid observation and direction, the instant petition is disposed of.

Sd/-

(Narendra Kumar Vyas)
Judge

Raju

