

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL REVISION No.885 of 2018**

Arising Out of PS. Case No.- Year-1111 Thana- District-

Birendra Kumar Pandey S/o Sri Lallan Pandey, R/o Village- Chainpur,
PostP.S.- Chainpur, District- Kaimur at Bhabua.

... .. Petitioner

Versus

1. The State of Bihar
2. Parvej Khan,
3. Laddu Khan,
4. Babalu Khan, All are sons of Late Ziaul Khan, All residents of VillagePost-Chainpur, P.S.- Chainpur, District- Kaimur, Bhabua.

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Alok Kumar Jha, Advocate
For the Respondent/s : Mr.Sri Chandrasen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

8 05-08-2022 Heard learned counsel for the petitioner. No one appears
for the opposite parties.

Petitioner is aggrieved by and dissatisfied with the order dated 06.04.2018 passed by the Sub-Divisional Magistrate, Kaimur at Bhabua whereby and whereunder he has dropped the proceeding under Section 133 Cr.P.C.

Learned counsel for the petitioner submits that the opposite parties are running an ice-cream factory in a house situated at a distance of 300 ft. north east to the house of the petitioner and whenever the electricity is not available they are using the diesel generator to procure electricity which causes nuisance and health hazardous.

This Court has perused the records. It appears that the



complaint in this respect was filed by the petitioner in the year 2011 and thereafter the proceeding was initiated under Section 133 Cr.P.C. but seven years thereafter, after hearing both the parties, the proceeding has been dropped. Four years have gone thereafter, it is not known as to what is the present position.

This Court is, therefore, not willing to interfere with the impugned judgment. In case, the petitioner would have any fresh cause of action, if so advised, he may seek an appropriate remedy before competent authority in accordance with law.

This application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

