

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.87 of 2023

Arising Out of PS. Case No.-300 Year-2022 Thana- RAMGARH District- Kaimur (Bhabua)

Shashibhushan Tiwari Son of Late Umashankar Tiwary Resident of Village -
Narhan, P.O.- Devhalia, P.S.- Ramgarh, District - Kaimur.

... .. Petitioner/s

Versus

1. The State of Bihar through District Magistrate, Kaimur (Bhabhua).
2. The District Magistrate, Kaimur at Bhabhua
3. The Superintendent of Police, Kaimur.
4. The Sub-Divisional Magistrate, Mohania, Kaimur.
5. The Circle Inspector, Ramgarh, Kaimur.
6. The S.H.O. Ramgarh, Police Station - Kaimur.
7. Fanibhushan Tiwary Son of Late Umashankar Tiwary Resident of Village -
Narhan, P.O.- Devhalia, P.S.- Ramgarh, District - Kaimur

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Jagjit Roshan, Adv.

For the Respondent/s : Mr. Manish Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 13-04-2023

Heard learned counsel for the petitioner and
learned counsel for the State.

The petitioner has filed this criminal writ
application seeking direction to the private respondent no. 7 to
take appropriate legal action for disobeying the direction as well
as law of the land.

Counsel for the petitioner submits that the order
under Section 144 of Cr.P.C. has been passed on 07.12.2022 but
private respondent has made willful disobedience of the said
order, thereafter, petitioner has moved before the S.D.M.,
Mohania, Kaimur vide Annexure-5 for initiation of proceeding

under Section 188 of I.P.C. against the private respondent no. 7. Counsel submits that the said petition is pending there and S.D.M., Mohania, Kaimur is not taking any action.

Counsel for the State submits that as per law, it is the S.D.M., Mohania, Kaimur where petition under Section 188 of I.P.C. is pending, is bound to pass the order for non-compliance/ violation or order passed under Section 144 of Cr.P.C.

The S.D.M., Mohania, Kaimur (respondent no. 4) is directed to pass order on the petition, Annexure-5 within two weeks’ from the date of communication of the order.

After hearing the parties, the Court finds that there are violation of order passed by the S.D.M., Mohania, Kaimur under Section 144 of Cr.P.C. at the hand of private respondent no. 7.

With this direction, the present criminal writ application stands disposed off.

(Dr. Anshuman, J.)

sadique/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	