

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.620 of 2023

Arising Out of PS. Case No.-2211 Year-2013 Thana- MUZZFARPUR COMPLAINT CASE
District- Muzaffarpur

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Ram Udgar Singh S/O Late Shatrudhan Prasad Singh, R/o- House No 16,
First Floor, Road No- 01, Opposite to Gandak Colony, Rajput Nagar, P.S.-
Hajipur Town, District- Vaishali At present residing at S.N. Road, Near
Shudhanshulodge, Naya Tola, P.S.- Kazimohammadpur, District- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar through The District Magistrate, Muzaffarpur.
2. The Senior Superintendent of Police, Muzaffarpur, District- Muzaffarpur.
3. Pashupati Nath Singh S/o Late Shatrudhan Prasad Singh, R/o- House No 16,
Ground Floor, Road No- 01, Opposite to Gandak Colony, Rajput Nagar,
P.S.- Hajipur Town, District- Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mahendra Thakur, Adv.
For the Respondent/s : Mr. Prabhat Kumar Verma, Adv.

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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 present Cr. Writ Petition has been filed seeking
a direction to the A.C.J.M.-10, Muzaffarpur, to act upon his own
judgment dated 06.02.2019 passed in Complaint Case No. 2211
of 2013 (Tr. No. 79 of 2019) filed by the petitioner, by which,
order of conviction under Section 138 of N.I. Act imposing
sentence of one year imprisonment and fine of Rs.10,00,000/-
(Ten Lacs) has been imposed upon respondent No. 3.

Learned counsel for the petitioner submits that the



said judgment and order dated 06.02.2019 passed under Section 138 of N.I. Act in Complaint Case No. 2211 of 2013 (Tr. No. 79 of 2019) has been challenged by the convicted (respondent No.3) in Cr. Appeal No. 22 of 2019 which was finally decided after hearing both the parties and dismissed on 11.08.2022, thereafter, the said convicted had preferred the criminal revision before this Court bearing Cr. Revision No. 821 of 2022 on 09.11.2022. He further submits that the said criminal revision was put under defect intentionally by virtue of not filing the surrender certificate. Learned counsel submits that there is neither any order in criminal revision and judgment of conviction has been affirmed by the appellate court and it has to be implemented by the original court who has passed order under Section 138 of N.I. Act.

Learned counsel for the State submits that it is a trick of law which is being played by the convicted by not filing the surrender certificate, in result, the criminal revision is pending. But he submits about correct position of law that till stay, the order may not be stopped and is necessary to be implemented.

In the above mentioned facts and circumstances, the court of A.C.J.M.-10, Muzaffarpur is directed to the needful



for implementation of judgment dated 06.02.2019 passed in Complaint Case No. 2211 of 2013 (Tr. No. 79 of 2019) by which conviction under Section 138 of N.I. Act and sentence of one year imprisonment and fine of Rs.10,00,000/- (Ten Lacs) have been imposed upon respondent No.3 which has been affirmed by order dated 11.08.2022 passed in Cr. Appeal No. 22 of 2019 as early as possible.

With this direction, the present Cr. Writ Petition stands disposed off.

(Dr. Anshuman, J.)

Ritik/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

