

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9546 of 2021

Arising Out of PS. Case No.- Year-0 Thana- District- Kishanganj

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1. LAXMI PRASAD MODI Son of Late Sita Ram Modi Resident of Village-Dharmshala Road, ward number 27, P.S.-Kishanganj, District-Kishanganj.
 2. Jayant Prasad Modi Son of Laxmi Prasad Modi Resident of Village-Dharmshala Road, ward number 27, P.S.-Kishanganj, District-Kishanganj.
 3. Nishant Kumar Son of Jayant Prasad Modi Resident of Village-Dharmshala Road, ward number 27, P.S.-Kishanganj, District-Kishanganj.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Manish Biyanai Son of Late Kishan Kumar Biyani Resident of Mahabir marg/Sastri Marg, ward number 6, P.O, P.S and District-Kishanganj.
3. Manish Kumar Jain Son of Mahabir Prasad Jain Resident of Mahabir marg/Sastri Marg, ward number 6, P.O, P.S and District-Kishanganj.
4. Maha Laxmi Abasan Pvt. Ltd. through its Director Prem Kumar Agarwal Resident of Dey Market, Dakbunglow Road, P.S-Kishanganj, District-Kishanganj.
5. Abhinav Prasad Modi Son of Late Prahalad Prasad Modi Resident of Village-Dharmshala Road, Ward number 27, P.S.-Kishanganj, District-Kishanganj.
6. Dhrurub Prasad Modi Resident of Village-Dharmshala Road, Ward number 27, P.S-Kishanganj, District-Kishanganj.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binodanand Mishra
For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

2 13-09-2023 Heard the learned counsel for the petitioners as well as the learned APP for the State.

2. This application has been filed for quashing the order dated 22.01.2020 passed by the learned Sessions Judge, Kishanganj in Criminal Revision No. 30 of 2019, whereby the



learned Sessions Judge allowed the revision application by setting aside the final order passed by the court of Sub-Divisional Magistrate, Kishanganj in Case No. 919M/2016.

3. The learned counsel for the petitioners has submitted that the learned Sessions Judge, exercising the revisional jurisdiction against the order passed by the Executive Magistrate in proceeding under Section 147 of the CrPC, did not notice the fact that the order of the Executive Magistrate was in conformity with the report of Circle Officer and on the basis of spot inspection made by the court itself.

4. From bare perusal of the impugned order dated 22.01.2020 passed by the learned Sessions Judge, Kishanganj, it appears that he remanded the matter to the Executive Magistrate merely because the provisions under Section 147 (1), (2) and 145 (4) of the CrPC as well as Section 3 of the Evidence Act were not complied with.

5. The learned Sessions Judge has passed the impugned order on 22.01.2020 but the matter, as submitted by the learned counsel for the petitioners, is still pending before the Sub-Divisional Magistrate, Kishanganj.

6. Considering the above-mentioned facts and circumstances, the learned S.D.M., Kishanganj is directed to



dispose of the proceeding within a period of four months from the date of receipt of copy of this order.

7. With these observations, this petition is disposed of.

(Nawneet Kumar Pandey, J)

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