

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1216 of 2021

Arising Out of PS. Case No.-346 Year-2019 Thana- HARSIDHI District- East Champaran

SK. SHAKEEL AHMAD S/o Vakil Ahmad Resident of Chintamanpur, P.S.-
Malahi, District- East Champaran ... Petitioner

Versus

1. The State of Bihar through its Secretary, Home Department, Government of Bihar, Patna
2. The Superintendent of Police, East Champaran Bihar
3. The Officer-in-Charge, Harsidhi Police Station, East Champaran Bihar
4. The Seikh Afsaar Ali S/o Afrad Ali R/o village- Chintamanpur, P.S.- Malahi (Gobindganj), District- East Champaran
5. Seikh Wasid S/o Afrad Ali R/o village- Chintamanpur, P.S.- Malahi (Gobindganj), District- East Champaran
6. Seikh Saddam S/o Afrad Ali R/o village- Chintamanpur, P.S.- Malahi (Gobindganj), District- East Champaran
7. Israr Ali S/o Afrad Ali R/o village- Chintamanpur, P.S.- Malahi (Gobindganj), District- East Champaran ... Respondents

Appearance :

For the Petitioner : Mr.Prateek Tandon, Adv.
For the Respondents : Mr.Manish Kumar, GP IV

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 24-03-2023 Heard learned counsel for the petitioner and the State.

The present writ application has been filed directing the respondents to initiate an inquiry under Section 340 of the Criminal Procedure Code on the application, dated 14.06.2021, filed by the petitioner before the Court of the Additional District & Sessions Judge, XIII, Motihari, in A.B.P. No. 1251 of 2021 in connection with Harsidhi P.S. Case No. 346 of 2019.

Counsel for the petitioner submits that Section 340 of the Criminal Procedure Code has been enacted by the law makers with a view to interfere in a situation where any party interferes in the administration of the justice.

Here in the present case the petitioner has filed an



objection before the Sessions Court challenging that the vakalatnama filed by the petitioner is defective as some of the petitioners are residing outside the country. The Court below has passed order on 28.08.2021. In the said order he has acknowledged in the first and second paragraph of the petition under Section 340 of the Criminal Procedure Code, as such, on the said petition, dated 14.06.2021, a decision has come and this decision is revisable and there is specific remedy available and in the light of the order of Surendra Singh Vrs. State of Bihar & Ors. and analogous cases passed by the coordinate Bench in Cr.W.J.C. No. 153 of 2017 on 09.09.2020, reported by Special Bench of three Judges in 1990 (2) PLJR, 693, this case is not maintainable under criminal writ jurisdiction rather in criminal revisional jurisdiction.

In this view of the matter, this writ petition is **dismissed** with liberty to the petitioner that he may challenge the said order before the revisional Court.

(Dr. Anshuman, J)

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