

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.290 of 2023

Arising Out of PS. Case No.-355 Year-2013 Thana- ARARIA District- Araria

Lakshmi Prasad Nayak Son Of Late Ramyash Nayak R/O Mohalla- Adarsh
Nagar, Ward No.16, P.S. And District- Araria

... .. Petitioner/S

Versus

1. The State Of Bihar Through The Principal Secretary, Home Department, Bihar, Patna Bihar
2. The Director General Of Police, Bihar, Patna Bihar
3. The Superintendent Of Police, Araria Bihar
4. The Officer In-Charge, Araria Police Station, District Araria Bihar
5. Jabintara Khatoon D/O Ataur Rahman, Wife Of Manjar Alam @ Bhola @ Jabintara Devi @ Tara Devi Wife Of Ram Prit Rajak (Ex. A.S.I. Of Police, Araria), R/O Village- Nagwara, P.S.- Katra, District- Muzaffarpur At Present R/O Mohalla Om Nagar, Ward No.8, P.S. And District- Araria

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rama Nand Poddar, Adv.
For the Respondent/s : Mr. Sheo Shankar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

2 29-08-2024 This petition has been preferred by the petitioner for seeking following reliefs:

a) For issuance of a direction to the court below to expedite the Misc. Case No. 16 of 2013 arising out of Criminal Complaint Case No. 2371 of 2013 pending before the court of learned Chief Judicial Magistrate, Araria.

b) For issuance of a direction to the court below to proceed in accordance with the law and take appropriate action in the light of enquiry report of the concerned Police Station.

c) For issuance of a direction to the court below



to disposed off the Misc. Case No. 16 of 2013 dated 23.07.2013 filed by the petitioner.

d) For issuance of a direction to the court below to dispose off in accordance with the law, the representation dated 21.06.2018 filed in Misc. Case No. 16 of 2013 filed by the petitioner before the court of learned Chief Judicial Magistrate, Araria.

2. It is submitted by the learned counsel for the petitioner that on the basis of the complaint made by the O.P. No. 5 Complaint Case No. 2371'C' of 2013 has been registered before the Chief Judicial Magistrate, Araria for the alleged offences punishable under Section 307, 341, 342, 382, 498A / 34 of I.P.C. against the petitioner and other persons. The complaint was sent by the C.J.M. to the Araria police for instituting the FIR as well as its investigation under Section 156 (3) of the Cr.P.C., thereafter, FIR was registered and on completion of investigation, charge-sheet has been filed.

3. It is further submitted by the counsel that since, the O.P. No. 5 is not a legally wedded wife of the petitioner, therefore, an application under Section 340 of the Cr.P.C. has been filed by the petitioner before the court of C.J.M, Araria which has been registered as Misc. Case No. 16 of 2013. The learned C.J.M. vide its order dated 23.07.2013 sent the matter



for enquiry to the concerned P.S. and after enquiry the SHO, Araria submitted his enquiry report as Annexure-4 before the court of C.J.M, Araria on 06.11.2014. When no further order was passed by the concerned C.J.M., the petitioner again moved an application vide Annexure -5 before the concerned C.J.M. for disposing of the said miscellaneous application but, till today the application has not been decided by the concerned C.J.M. Therefore, it is prayed by the counsel that this petition may be disposed of directing the concerned C.J.M. to conclude the proceeding of said miscellaneous case and pass an order in accordance with relevant rules and law within any specific limit fixed by this court.

4. Considering the above submission made by the counsel for the petitioner, the petition is disposed of, concerned C.J.M. is directed to conclude the proceeding of said miscellaneous case and pass a reasoned order as early as possible in accordance with the relevant rules and law, probably within six months from today.

5. Accordingly, the case is disposed of.

(Arvind Singh Chandel , J)

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