
(2017) 02 JH CK 0072
In the Jharkhand High Court
Case No : W.P.(Cr.) No. 34 of 2017

Bapi Rai Choudhary

APPELLANT

Vs

State of Jharkhand

RESPONDENT

Date of Decision : 03-02-2017

Acts Referred:

Constitution of India, 1950 — Article 226
Criminal Procedure Code, 1973 (CrPC) — Section 144

Citation : (2017) 1 JBCJ 632

Hon'ble Judges : Mr. Rongon Mukhopadhyay, J.

Bench : Single Bench

Advocate : Mr. Indrajit Sinha and Mr. Lukesh Kumar, Advocate, for the Petitioners; Mr. Vijayant Verma, J.C. to G.P. II, for the Respondents

Final Decision : Disposed Off

Judgement

Mr. Rongon Mukhopadhyay, J.—Order No. 02 Dated 03rd February, 2017
Heard Mr. Indrajit Sinha, learned counsel for the petitioner and Mr. Vijayant Verma, learned J.C. to G.P. II for the respondents No. 1 to 5.

2. In this application the petitioners pray for direction upon the respondents to show cause as to why the proceeding u/s 144 Cr. P.C. has not been initiated in spite of the application filed by the petitioners on 20.01.2017.

3. It appears that the petitioners claim possession over the land situated at Mouza Debiyana, Mouza No. 139, Khata No. 236, Plot No. 1544, 1445, 147 and 1548, total area measuring 2 acres.

4. It has been submitted that the respondent No. 6 had all of a sudden started construction of boundary wall on the land in question on 17.01.2017 which was objected by the petitioners but the respondent No. 6 got aggravated and used criminal force against the petitioners, which was brought to the notice of respondent No. 4 by the petitioners by filing an application with a prayer to initiate a proceeding u/s 144 Cr. P.C. It has further been stated that report was

called for from the Circle Officer as well as from the Officer-in-Charge, Nirsa P.S., but neither any report has been submitted nor any steps have been taken by the respondents to prevent the respondent No. 6 from constructing the boundary wall.

5. Learned J.C. to G.P. appearing for the respondents opposed the prayer made by the petitioners.

6. Since the matter relates to initiation of a proceeding u/s 144 Cr. P.C. for which a report has already been called, this writ application is disposed with a direction to the respondent No. 3 to take urgent steps on the application filed by the petitioners on 20.01.2017 in terms of Section 144 Cr. P.C. expeditiously and preferably within a period of 15 days from the date of receipt/ production of a copy of this order.

7. Till the respondent No. 3 acts upon the application of the petitioners as well as the imminent report from the Circle Officer and the officer-in-Charge, Nirsa P.S., respondent No. 5 is directed to ensure that peace prevails with respect to the property in question.