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**(1999) 10 AHC CK 0045**  
**In the Allahabad High Court**  
**Case No : Criminal Revision No. 990 of 1 985**

Ram Sahu

APPELLANT

Vs

State of U.P.& Anr.

RESPONDENT

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**Date of Decision :** 05-10-1999

**Acts Referred:**

Criminal Procedure Code, 1973 (CrPC) — Section 145

**Citation :** (1999) 10 AHC CK 0045

**Hon'ble Judges :** S.K.Agarwal, J

**Final Decision :** Dismissed

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## Judgement

S. K. Agarwal, J.—Heard learned Counsel for "he applicant and learned Counsel for opposite party.

2. This Criminal Revision, filed by Sri Ram Sahu, was Decided by this Court finally on 7111997. An application has been moved on behalf of opposite party No. 2, Ayodhya Prasad, along with an affidavit for recalling the above said order of this Court on the ground that the applicant, Rain Sahu, had expired long before the decision of this revision by this Court. He had expired, according to the information conveyed, on 2611986, meaning thereby that soon after filing of this revision the applicant had expired.

3. Be that as it may, this Court is not concerned with all that.

4. I have perused the judgment of this Court in this revision. I do not find any illegality in that judgment or in the order of the learned Magistrate. The order passed by this Court is to the effect that it had set aside the revisional Court's order and upheld the order passed by the learned SubDivisional Magistrate. The direction given by the S.D.M. was to the effect that the District Harijan Welfare Officer shall maintain the Vidyalaya for the time being. The proceedings under Section 145. Cr.P.C. were drawn as a result of some dispute over the management of the Institution between the two rival Management Committees. It cannot be said safely that this does not involve disturbances of public peace.

An institution is a public place and any dispute between the Management Committee simplicitor with regard to the governance of the institution cannot be adjudicated in this proceeding is true. But, if the dispute gives rise to an apprehension of breach of peace and if that may result into breaking of heads between the parties then such a proceeding can be initiated and an order for maintaining peace at the premises of the institution can be passed in such proceedings. Only that much was done by the learned S.D.M.

5. So far as recall of the order is concerned, I see no merit in this application. This order came to be passed as a result of nonappearance of the Counsel for the present applicant in this application for recalling the order. Therefore, no blame can be Laid at the door of this Court. However, learned Counsel for the applicant, Ayodhya Prasad(opposite party No. 2 in the revision), informs that presently there is no dispute between the parties. This he says on account of a decision made by the authorizes concerned in his favour. But he is not able to disclose whether those orders have already been challenged in a writ petition by the other side before this Court or not. In absence of such an information it will not be safe to make any observation with regard to this aspect even. However, bearing in mind the welfare of the students, if brought to the notice of the learned S.D.M. that there exists no apprehension of breach of peace then the learned Magistrate is free to act upon and proceed in accordance with law and pass suitable ancillary orders.

6. In view of the above, the recall application is according dismissed.