

Bhikhan Naiyak and Others Vs State of Jharkhand and Others

Court: Jharkhand High Court

Date of Decision: April 21, 2011

Acts Referred: Criminal Procedure Code, 1973 (CrPC) â€” Section 146(1)

Hon'ble Judges: Rakesh Ranjan Prasad, J; R.K. Merathia, J

Bench: Division Bench

Judgement

1. This matter was referred to Division Bench by the learned Single Judge by order dated 25/08/2010 to decide whether an order passed u/s

146(1) Code of Criminal Procedure, attaching a property and appointment of receiver is an interlocutory order or not?.

2. It appears that the impugned order was passed u/s 146(1) Code of Criminal Procedure, far back on 20th June 2009 as an interim measure on

the ground that there existed emergent situation. It further appears that the operation of the impugned order was stayed by this Court on

18/08/2009 in this case.

3. When we indicated that the proper remedy for the opposite parties is by way of civil suit, Mr. Kalyan Roy, learned Counsel, on instructions

from Mr. Ajay Kumar Singh, learned Counsel appearing for O.P. Nos. 2 and 3, submitted that O.P. Nos. 2 and 3 will file a suit, seeking

appropriate reliefs and raising all the points available to them, as may be advised.

4. Mr. Anil Kumar, learned Counsel appearing for the petitioners has got no objection to it.

5. In the circumstances, it is not necessary to decide the said question in this case.

6. O.P. Nos. 2 and 3 are given liberty to file a suit seeking appropriate reliefs raising all the points available to them as they may be advised.

7. After filing of the suit, the parties may move the learned Magistrate for passing appropriate order in accordance with law.

8. It goes without saying that on receipt of the notices, the parties will cooperate in early disposal of the suit/interim matters.

9. With these observations and directions, this criminal revision stands disposed of.