

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Writ Jurisdiction Case No.1105 of 2015**

Arising Out of P.S.Case No. - 38 Year- 2002 Thana -Amdabad District- KATIHAR

Urmila Masomat Wife of Late Narayan Choudhary, r/o Village- Gopalpur, P.S.  
Amdabad, District Katihar

.... .... Petitioner

Versus

1. The State of Bihar through Superintendent of Police, Katihar, District-Katihar.

2. Kalu Mandal Son of Late Jyotish Mandal

3. Laddoo Mandal Son of Bholal Mandal

4. Ribol Mandal Son of Late Jyotish Mandal

All R/o Village Gopalpur, P.S. Amdabad, District Katihar

.... .... Respondents

**Appearance :**

For the Petitioner/s : Mr. Bimal Kumar, Advocate

For the State : Mr. A. B. Sinha, SC-19

For the Respondent/s : Mr. Sanjeev Kumar Singh, Advocate

**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH**

ORAL JUDGMENT

**Date : 12-07-2016**

In this writ petition, the petitioner has challenged the order/award dated 18<sup>th</sup> December, 2011 passed by the Presiding Officer, Mega Lok Adalat, Katihar, whereby Amdabad P. S. Case No. 38 of 2002 dated 12<sup>th</sup> June, 2002 registered under Section 302/34 of the Indian Penal Code (for short 'IPC') has been disposed of.

2. The issues which fell for consideration in this writ petition are as under :-

“ (i) Whether a Lok Adalat constituted under Section 19 or 22 of the Legal Services Authorities Act, 1987 (for short ‘the Act’) shall have jurisdiction in respect of any matter relating to an offence not compoundable under any law.

(ii) Whether a Lok Adalat constituted under Section 19 of the Act can pass an award without having any compromise or settlement arrived at between the parties.

(iii) Whether a member or the Presiding Officer of the Lok Adalat can dispose of any matter by affixing a pre-prepared award stamp.”

3. I have heard Mr. Bimal Kumar, learned advocate appearing on behalf of the petitioner, Mr. A. B. Sinha, learned Standing Counsel appearing on behalf of the State and Mr. Sanjeev Kumar Singh, learned advocate appearing on behalf of respondents no. 2 to 4.

4. It is submitted by the learned advocate for the petitioner that the first information report (for short ‘FIR’) of aforesaid Amdabad P. S. Case No. 38 of 2002 was registered under Section 302/34 of the IPC on the basis of oral statement of the

petitioner recorded by the officer-in-charge of Amdabad police station against three accused persons, namely, Kalu Mandal, Laddu Mandal and Ribol Mandal. It has been alleged in the FIR that the named accused persons had poisoned the brother of the petitioner to death.

5. It is further submitted that during investigation of the case, while conducting the post-mortem examination on the body of the deceased, though the doctor had preserved viscera of the deceased for its chemical examination, the police, in collusion with the accused persons, submitted final report vide Final Report No. 81 of 2006 dated 28<sup>th</sup> October, 2006 on 18<sup>th</sup> December, 2006 in the court of Chief Judicial Magistrate, Katihar even without collecting the chemical examination report from the Forensic Science Laboratory. After receipt of the final report, no notice was ever served upon the petitioner and the case was being adjourned from one date to another since December, 2006 awaiting the service report. Lastly, the learned Chief Judicial Magistrate adjourned the case to 28<sup>th</sup> May, 2009. Thereafter, the matter was never taken up in the court and on 18<sup>th</sup> December, 2011, the case was disposed of by the Presiding Officer of the Mega Lok Adalat, Katihar.

6. It is also urged by the learned advocate appearing on behalf of the petitioner that it would be apparent from the record

that the aforesaid case has been disposed of by the Presiding Officer of Mega Lok Adalat even without serving any notice to the petitioner and in absence of the parties, without there being any settlement or compromise on record.

7. Learned advocate appearing on behalf of the State and learned advocate appearing on behalf of the respondents have conceded that the order passed by the Mega Lok Adalat is without jurisdiction.

8. Being shocked and surprised by the statements made by the respective advocates for the parties, in order to satisfy myself, vide order dated 15<sup>th</sup> March, 2016, I had summoned the lower court record of the Amdabad P. S. Case No. 38 of 2002 from the court of Chief Judicial Magistrate, Katihar. From perusal of the lower court record, it transpires that the final report submitted under Section 173(2) of the Code of Criminal Procedure, 1973 (for short 'CrPC') was received in the court of the Chief Judicial Magistrate on 18<sup>th</sup> December, 2006 and on the same day, a direction was made by the learned Chief Judicial Magistrate to issue notice to the informant fixing 19<sup>th</sup> February, 2007, as the next date. Since then, the case was adjourned from one date to another directing the office to comply with the order dated 18<sup>th</sup> December, 2006 and awaiting the service report in the following manner :-

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- (i) 19.02.2007 to 08.05.2007
  - (ii) 08.05.2007 to 07.07.2007
  - (iii) 07.07.2007 to 12.10.2007
  - (iv) 12.10.2007 to 11.04.2008
  - (v) 11.04.2008 to 26.06.2008
  - (vi) 26.06.2008 to 18.10.2008
  - (vii) 18.10.2008 to 17.02.2009
  - (viii) 17.02.2009 to 28.05.2009
  - (ix) 28.05.2009 to 31.10.2009.

9. On 31<sup>st</sup> October, 2009, the learned Chief Judicial Magistrate, Katihar adjourned the case to 14<sup>th</sup> January, 2010 awaiting the service report of the notice ordered to be sent to the petitioner. It would be evident from the record that after 31<sup>st</sup> October, 2009, the case was never ever taken up by the learned Chief Judicial Magistrate in his court and on 18<sup>th</sup> December, 2011, the case was disposed of by the Presiding Officer of Mega Lok Adalat, Katihar. On inquiry from the registry, I was informed that the then Sub Divisional Judicial Magistrate posted at Katihar was the Presiding Officer who had disposed of the aforesaid case.

10. It is pertinent to mention here that it would be evident from perusal of the proceedings of the lower court record that the initial order of issuance of notice to the informant passed on 18<sup>th</sup>

December, 2006 was never complied with by the office. I have noticed several disturbing aspects on examination of the proceedings of the case, which are as under :-

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- (a) There is no justification for mechanical adjournments of the case from one date to another without looking into the fact that the initial order of issuance of notice upon the informant itself was not complied with by the office;
  - (b) There is no reason why the matter was not taken up by the learned Chief Judicial Magistrate in the court on the date fixed i.e., on 31<sup>st</sup> October, 2009;
  - (c) There is no reason why the matter was not taken up by the learned Chief Judicial Magistrate for over two years since 28<sup>th</sup> May, 2009;
  - (d) It is not revealed by whom and how the matter was referred to Mega Lok Adalat on 18<sup>th</sup> December, 2011;
  - (e) Since the Act does not confer any power to Lok Adalat to entertain any case in respect of an offence not compoundable under any law why did the Mega Lok Adalat take up the matter and disposed it off.

- (f) There is no justification for disposing of a case by the Mega Lok Adalat not only in absence of the parties but also without any settlement and without issuing any notice to them in utter haste.

11. Furthermore, another disturbing aspect which is of great importance is that the Presiding Officer of the Mega Lok Adalat has disposed of the case by affixing and signing a pre-prepared order/award stamp, which reads as under :-

*“The Case Record Put up today for disposal in Mega Lok Adalat. The Case is disposed in Mega Lok Adalat. Office is directed to deposit the Case Record in RR.*

*Sd/-  
P. O.”*

12. Having noticed the aforesaid acts of omission and commission, vide order dated 10<sup>th</sup> May, 2016, this Court had sought for an explanation from the then Chief Judicial Magistrate, Katihar and the Presiding Officer of the Mega Lok Adalat, Katihar.

13. The then Chief Judicial Magistrate has stated in his explanation dated 8<sup>th</sup> June, 2016 that the record of Amdabad P. S. Case No. 38 of 2002 was put up before him only once on 31<sup>st</sup> October, 2009. He has tried to justify his action by stating that he could not get track of the record of the aforesaid case due to heavy rush of work, pressure of urgent works, pendency of charge-sheet

cognizance and other important matters. He has further stated that he had never referred the aforesaid case to Mega Lok Adalat for its disposal, but the concerned Presiding Officer of the bench of Mega Lok Adalat had orally called for records and concerned clerk might have handed over the records to him and in this process the record may have been sent to the Mega Lok Adalat.

14. The then Sub Divisional Judicial Magistrate who had disposed of the aforesaid criminal case has submitted in his explanation dated 18<sup>th</sup> June, 2016 that on 18<sup>th</sup> December, 2011 a Mega Lok Adalat was organized at Katihar in which he was presiding a bench which was assigned the job to dispose of cases received from the court of Chief Judicial Magistrate, Additional Chief Judicial Magistrate and Sub Divisional Judicial Magistrate. There was an atmosphere of enthusiasm and competition to dispose of the maximum number of cases in the Mega Lok Adalat. From all these courts, a large number of cases were received wherein final report was submitted by the police and all such cases were disposed of in the Mega Lok Adalat. He has submitted that the judicial officers, including him were under immense pressure to dispose of the highest number of cases in the Mega Lok Adalat and possibly that was the reason the aforesaid Amdabad P. S. Case No. 38 of 2002 was also disposed of on that date. He has also submitted that

more than thousand of cases were disposed of by the benches of Mega Lok Adalat on 18<sup>th</sup> December, 2011 in Katihar judgship and the manner of disposal was the same, i.e., by affixing a pre-prepared award stamp and signing over it by the Presiding Officers of different benches.

15. I am constrained to record that the explanations submitted by them are far from satisfaction. They have conducted themselves in a manner which is against the judicial norms and propriety.

16. I am rather dismayed at the manner in which the entire matter has been dealt with undermining the very purpose and object of Lok Adalats. At every stage, the Chief Judicial Magistrate and the Presiding Officer of the Mega Lok Adalat have acted in the manner contrary to law.

17. The code of judicial conduct requires a judicial officer to respect and comply with law. They ought to have faith in law and maintain professional competence in it.

18. I am also deeply concerned with the manner in which the cases are being taken up and disposed of by the Lok Adalats.

19. The Act was enacted to give effect to the provisions of Article 39-A of the Constitution which mandates that the operation of the legal system should promote justice on the basis of



equal opportunity, and shall in particular provide free legal aid, by suitable legislation or schemes or in any other way to ensure that opportunity for securing justice are not denied to any citizen by reason of economic or other disability.

20. Chapter VI of the Act deals with Lok Adalats. Sections 19 and 20 of the Act are extracted hereunder :-

**“19. Organization of Lok Adalats.** –(1) *Every State Authority or District Authority or the Supreme Court Legal Services Committee or every High Court Legal Services Committee or, as the case may be, Taluk Legal Services Committee may organize Lok Adalats at such intervals and places and for exercising such jurisdiction and for such areas as it thinks fit.*

*(2) Every Lok Adalat organized for an area shall consist of such number of –*

- (a) serving or retired judicial officers ; and*
- (b) other persons,*

*of the area as may be specified by the State Authority or the District Authority or the Supreme Court Legal Services Committee or the High Court Legal Services Committee, or as the case may be, the Taluk Legal Services Committee, organizing such Lok Adalat.*

*(3) The experience and qualification of other persons referred to in clause (b) of sub-section (2) for Lok Adalats organized by the Supreme Court*

*Legal Services Committee shall be such as may be prescribed by the Central Government in consultation with the Chief Justice of India.*

*(4) The experience and qualifications of other persons referred to in clause (b) of sub-section (2) for Lok Adalats other than referred to in sub-section (3) shall be such as may be prescribed by the State Government in consultation with the Chief Justice of the High Court.*

*(5) A Lok Adalat shall have jurisdiction to determine and to arrive at a compromise or settlement between the parties to a dispute in respect of –*

- (i) any case pending before; or*
- (ii) any matter which is falling within the jurisdiction of , and is not brought before, any Court for which the Lok Adalat is organized:*

*Provided that the Lok Adalat shall have no jurisdiction in respect of any case or matter relating to an offence not compoundable under any law.*

**20. Cognizance of cases by Lok Adalats.-**

*(1) Where in any case referred to in clause (i) of sub-section (5) of section 19; -*

- (i) (a) the parties thereof agree; or*
- (b) one of the parties thereof makes an application to the court, for referring the case to the Lok Adalat for settlement and if such court is*

*prima facie satisfied that there are chances of such settlement; or*

(ii) *the court is satisfied that the matter is an appropriate one to be taken cognizance of by the Lok Adalat, the court shall refer the case to the Lok Adalat:*

*Provided that no case shall be referred to the Lok Adalat under sub-clause (b) of clause (i) or clause (ii) by such court except after giving a reasonable opportunity of being heard to the parties.*

(2) *Notwithstanding anything contained in any other law for the time being in force, the Authority or Committee organising the Lok Adalat under sub-section (1) of section 19 may, on receipt of an application from any one of the parties to any matter referred to in clause (ii) of sub-section (5) of section 19 that such matter needs to be determined by a Lok Adalat, refer such matter to the Lok Adalat, for determination:*

*Provided that no matter shall be referred to the Lok Adalat except after giving a reasonable opportunity of being heard to the other party.*

(3) *Where any case is referred to a Lok Adalat under sub-section (1) or where a reference has been made to it under sub-section (2), the Lok Adalat shall proceed to dispose of the case or matter and arrive at a compromise or settlement between the parties.*



(4) *Every Lok Adalat shall, while determining any reference before it under this Act, act with utmost expedition to arrive at a compromise or settlement between the parties and shall be guided by the principles of justice, equity, fair play and other legal principles.*

(5) *Where no award is made by the Lok Adalat on the ground that no compromise or settlement could be arrived at between the parties, the record of the case shall be returned by it to the court, from which the reference has been received under sub-section (1) for disposal in accordance with law.*

(6) *Where no award is made by the Lok Adalat on the ground that no compromise or settlement could be arrived at between the parties, in a matter referred to in sub-section (2), that Lok Adalat shall advice the parties to seek remedy in a court.*

(7) *Where the record of the case is returned under sub-section (5) to the Court, such court shall proceed to deal with such case from the stage, which was reached before such reference under sub-section (1).”*

*(underlining mine)*

21. Chapter VI-A of the Act deals with Permanent Lok Adalats. Section 22-C under Chapter VI-A deals with cognizance of cases by Permanent Lok Adalats which is extracted hereunder :-

**“22-C. Cognizance of cases by Permanent Lok**

*Adalat.* – (1) Any party to a dispute may, before the dispute is brought before any Court, make an application to the Permanent Lok Adalat for the settlement of dispute :

Provided that the Permanent Lok Adalat shall not have jurisdiction in respect of any matter relating to an offence not compoundable under any law :

Provided further that the Permanent Lok Adalat shall also not have jurisdiction in the matter where the value of the property in dispute exceeds ten lakh rupees :

Provided also that the Central Government, may, by notification, increase the limit of ten lakh rupees specified in the second proviso in consultation with the Central Authority.

(2) After an application is made under sub-section (1) to the Permanent Lok Adalat, no party to that application shall invoke jurisdiction of any Court in the same dispute.

(3) Where an application is made to a Permanent Lok Adalat under sub-section (1) , it –

(a) shall direct each party to the application to file before it a written statement, stating therein the facts and nature of dispute under the application, points or issues in such dispute and grounds relied in support of, or in opposition to, such points or issues, as the case



*may be, and such party may supplement such statement with any document and other evidence which such party deems appropriate in proof of such facts and grounds and shall send a copy of such statement together with a copy of such document and other evidence, if any, to each of the parties to the application ;*

*(b) may require any party to the application to file additional statement before it at any stage of the conciliation proceedings ;*

*(c) shall communicate any document or statement received by it from any party to the application to the other party, to enable such other party to present reply thereto.*

*(4) When statement, additional statement and reply, if any, have been filed under sub-section (3), to the satisfaction of the Permanent Lok Adalat, it shall conduct conciliation proceedings between the parties to the application in such manner as it thinks appropriate taking into account the circumstances of the dispute.*

*(5) The Permanent Lok Adalat shall, during conduct of conciliation proceedings under sub-section (4), assist the parties in their attempt to reach an amicable settlement of the dispute in an independent and impartial manner.*

*(6) It shall be the duty of every party to the application to cooperate in good faith with the*



*Permanent Lok Adalat in conciliation of the dispute relating to the application and to comply with the direction of the Permanent Lok Adalat to produce evidence and other related documents before it.*

(7) *When a Permanent Lok Adalat, in the aforesaid conciliation proceedings, is of opinion that there exist elements of settlement in such proceedings which may be acceptable to the parties, it may formulate the terms of a possible settlement of the dispute and give to the parties concerned for their observations and in case the parties reach at an agreement on the settlement of the dispute, they shall sign the settlement agreement and the Permanent Lok Adalat shall pass an award in terms thereof and furnish a copy of the same to each of the parties concerned.*

(8) *Where the parties fail to reach at an agreement under sub-section (7), the Permanent Lok Adalat shall, if the dispute does not relate to any offence, decide the dispute.*

*(underlining mine)*

22. From a bare reading of provisos to Section 19 (5) (i) and Section 22-C of the Act, it would be manifest that Lok Adalats constituted under Section 19 or the Permanent Lok Adalats constituted under Section 22 shall have no jurisdiction in respect of any matter relating to an offence not compoundable under any law.

23. Thus, the first issue involved in the present case is decided in negative.

24. So far as the second issue which fell for consideration of the Court is concerned, it would be evident from perusal of Sections 19 and 20 of the Act that Lok Adalats have no adjudicatory or judicial functions. Their functions are purely to promote compromise or settlement between the parties. The source of power of Lok Adalats is in conciliation. Where there is no compromise or settlement, the case cannot be disposed of by Lok Adalats. In such an eventuality, the case is to be returned to the court as per law. Section 20 (5) of the Act statutorily recognizes the right of a party whose case is not settled before the Lok Adalat to have his case continued before the court for disposal in accordance with law.

25. In the matter of **State of Punjab and another vs. Jalour Singh and others**, reported in (2008) 2 SCC 660, a three-judge Bench of the Supreme Court while highlighting the jurisdictional power and functioning of Lok Adalats made observations against the tendency of judges, who tend to conduct Lok Adalats like courts as under :-

*“9. But we find that many sitting or retired Judges, while participating in the Lok Adalats as members, tend to conduct the Lok Adalats like*

*courts, by hearing parties, and imposing their views as to what is just and equitable, on the parties. Sometimes they get carried away and proceed to pass orders on merits, as in this case, even though there is no consensus or settlement. Such acts, instead of fostering alternative dispute resolution through the Lok Adalats, will drive the litigants away from the Lok Adalats. The Lok Adalats should resist their temptation to play the part of judges and constantly strive to function as conciliators. The endeavour and effort of the Lok Adalats should be to guide and persuade the parties, with reference to principles of justice, equity and fair play to compromise and settle the dispute by explaining the pros and cons, strengths and weaknesses, advantages and disadvantages of their respective claims.*

*(underlining mine)*

26. In the matter of **M P State Legal Services Authority vs. Prateek Jain and another**, reported in (2014) 10 SCC 690 while deprecating the tendency of referring even those matters to the Lok Adalats just to inflate the figures of decision / settlement for statistical purposes, Supreme Court observed as under :-

*“17. In the first instance, we do not understand as to why the matter was sent to Lok Adalat when the parties had settled the matter between*



*themselves and application to this effect was filed in the Court. In such a situation, the Court could have passed the order itself, instead of relegating the matter to the Lok Adalat. We have ourselves highlighted the importance and significance of the institution of Lok Adalat. We would be failing in our duty if we do not mention that, of late, there is some criticism as well which, inter alia, relates to the manner in which cases are posted before the Lok Adalats. We have to devise the methods to ensure that faith in the system is maintained as in the holistic terms access to justice is achieved through this system. We, therefore, deprecate this tendency of referring even those matters to the Lok Adalat which have already been settled. This tendency of sending settled matters to the Lok Adalats just to inflate the figures of decision/settlement therein for statistical purposes is not a healthy practice. We are also not oblivious of the criticism from the lawyers, intelligentsia and general public in adopting this kind of methodology for window-dressing and showing lucrative outcome of particular Lok Adalats.*

*(underlining mine)*

27. In the matter of **B. P. Moideen Sevamandir and another vs. A. M. Kutty Hassan**, reported in (2009) 2 SCC 198

expressing concern over the matter in which many members of Lok Adalats are passing peculiar and strange orders, the Supreme Court observed in paras 12, 15 and 16 as under :-

*“12. Such strange orders by the Lok Adalats are the result of lack of appropriate rules or guidelines. Thousands of Lok Adalats are held all over the country every year. Many members of the Lok Adalats are not judicially trained. There is no fixed procedure for the Lok Adalats and each Adalat adopts its own procedure. Different formats are used by different Lok Adalats when they settle the matters and make awards. We have come across Lok Adalats passing “orders”, issuing “directions” and even granting declaratory relief, which are purely in the realm of courts or specified tribunals, that too when there is no settlement.”*

*15. We may now turn to the role of courts with reference to Lok Adalats. Lok Adalat is an alternative dispute resolution mechanism. Having regard to Section 89 of the Code of Civil Procedure, it is the duty of court to ensure that parties have recourse to the alternative dispute resolution (for short “ADR”) processes and to encourage litigants to settle their disputes in an amicable manner. But there should be no pressure, force, coercion or threat to the litigants to settle disputes against their wishes. Judges also*

*require some training in selecting and referring cases to Lok Adalats or other ADR processes.*

*16. Mechanical reference to unsuited mode of ADR process may well be counterproductive. A plaintiff who comes to court alleging unlawful encroachment by a neighbour may well ask what kind of settlement he should have with an encroacher in a Lok Adalat. He cannot obviously be asked to sacrifice a part of his land for purposes of amicable settlement thereby perpetuating the illegality of an encroachment. A plaintiff alleging fraud and forgery of documents against a defendant may well ask what settlement he can have with a fraudster or forger through ADR process as any settlement may mean yielding to or accepting fraud or forgery.*

*(underlining mine)*

28. In view of the discussions made, hereinabove, the second issue which fell for consideration of this Court is also decided in negative.

29. The answer to the third question which fell for consideration of the court is plain and simple. In no case, the Lok Adalat can dispose of any matter by affixing and signing a pre-prepared award stamp. An award by a Lok Adalat is nothing but assimilation of terms of settlement or compromise arrived at



between the parties in the form of enforceable order. The terms of settlement or compromise cannot be the same in all the cases. The Lok Adalats cannot anticipate or predict the likelihood of the terms of settlement between the parties in a particular case. Hence, there is no scope for disposing of a matter by the Lok Adalat by affixing a pre-prepared award stamp.

30. Coming back to the facts of the present case, the offence alleged under Section 302 of the IPC being non-compoundable in nature, the Chief Judicial Magistrate before whom the matter was pending had no jurisdiction to refer the case to the Lok Adalat. Similarly, the Presiding Officer of the Mega Lok Adalat had no jurisdiction either to summon the record of a non-compoundable offence from the court of Chief Judicial Magistrate or to entertain the same under the Act. Nevertheless, the Presiding Officer of the Mega Lok Adalat had audacity to dispose of the criminal case instituted under Section 302 of the IPC. Obviously, the order has been passed in a collusive manner to close down a criminal case involving the allegation of culpable homicide amounting to murder.

31. Keeping a final report submitted by the police in a serious offence under Section 302 of the IPC pending for over 23 months without passing any order on the file is a serious matter.



Further, disposing of a case registered under Section 302 of the IPC on the date of receipt of the file by the Presiding Officer of Mega Lok Adalat in absence of the parties as also in absence of a compromise or settlement and that too without recording the dispute between the parties by affixing a pre-prepared perfunctory award stamp is an act of absolute haste and shows lack of sense of responsibility. A judge's role is to serve the community in the pivotal role of administering justice according to law. The competent and conscientious performance by the judicial officers while presiding Lok Adalats is the most effective way to maintain respect for the rule of law. Presiding a bench of Lok Adalat by a judicial officer is not a glamorous work to dispose of cases in order to improve public image. It is not an exercise of self-promotion. It is necessary to remember that enthusiasm and competition among the judicial officers to dispose of cases in Lok Adalats cannot be made an excuse for passing orders without regard to the rules and the procedures. Judges are selected because of their recognized expertise in the area that they are being asked to work. They are expected to be familiar with the provisions of the Act while presiding a Lok Adalat. Under no circumstances, the judges can afford to preside a bench of Lok Adalat for mere entertainment.

32. There is a universal principle as old as the law that the

proceedings of a court or an authority without jurisdiction are nullity and *void ab initio* and its judgment therein without effect either on person or property.

33. For the reasons aforesaid, the writ petition is allowed. The impugned order/award dated 18<sup>th</sup> December, 2011 passed by the Presiding Officer of the Mega Lok Adalat, Katihar is set aside.

34. The registry is directed to send back the lower court records summoned by this Court to the court of Chief Judicial Magistrate, Katihar through special messenger forthwith.

35. It is made clear that since the petitioner is being represented through her lawyer in the present case, no notice is required to be sent to her by the Chief Judicial Magistrate, Katihar. The petitioner is directed to appear before the court of Chief Judicial Magistrate, Katihar on or before 12<sup>th</sup> August, 2016 and make her submissions in respect of the final report submitted by the investigating agency. After hearing the petitioner, the Chief Judicial Magistrate, Katihar is directed to pass order on the police report submitted in the case in accordance with law. In case, the petitioner fails to appear before the court of Chief Judicial Magistrate within the period stipulated hereinabove, the Chief Judicial Magistrate is directed to peruse the materials available on record and pass appropriate order in accordance with law on or before 19<sup>th</sup> August,

2016. The Chief Judicial Magistrate is also directed to transmit a copy of such order to this Court positively by 30<sup>th</sup> August, 2016.

36. A direction is issued to all Lok Adalats of the State not to entertain any matter relating to an offence not compoundable under any law. Violation of this direction will be treated as contempt of court.

37. The registry is directed to circulate this order amongst all the District Judges of the State and the respective District Judges would circulate a copy of this order amongst all the judicial officers and members of Lok Adalats / Permanent Lok Adalats.

38. Let a copy of this order be also transmitted to the Member Secretary, Bihar State Legal Services Authority, Patna.

39. Since it has been brought to the notice of this Court by the Presiding Officer of the Lok Adalat that on 18<sup>th</sup> December, 2011 more than one thousand cases were disposed of by different benches in the same manner at Katihar, I direct the District & Sessions Judge, Katihar to scrutinize the record of all cases disposed of by the Mega Lok Adalat held on 18<sup>th</sup> December, 2011 in the campus of Civil Court, Katihar. After such scrutiny, he is directed to submit his report annexing details of cases disposed of on the aforementioned date involving offence/offences not compoundable under any law to this Court within two months from

the date of receipt of a copy of this order.

40. On receipt of the report of District and Sessions Judge, Katihar, the registry is directed to place the matter before the Bench under the heading "For Orders".

41. Though I have granted the relief sought for in the instant writ petition by setting aside the impugned order, the matter is kept pending in the larger interest for the limited purpose indicated in paragraph 39 above.

**(Ashwani Kumar Singh, J.)**

Kanchan/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	12-07-2016
Transmission Date	12-07-2016