

**In The Court of Commissioner, Saran Division, Chapra**  
**C.C. Appeal No. 135/2014**  
**Krishna Nand Pandey**  
**Vrs.**  
**The State of Bihar**

**ORDER**

The instant appeal is directed against the impugned order of D.M., Siwan as contained in memo No. 1188 dated 03.05.2014 whereby and whereunder an externment order was passed against the appellatant with immediate effect till 17.05.2014

This case was filed on 09.05.2014 and due to pre-occupation with other administrative works, the case could not be taken up. However, the case was heard on 19.05.2014

The learned counsel appearing on behalf of the appellatant forwarded his view that although a notice was served on the appellatant issued vide memo No. 1161 dated 30.04.2014 but the operative portion of the said notice speaks about one Sanjay Singh S/o Suchit Narain Singh and on the basis of such glaring defect in the said notice, the impugned order also becomes illegal and invalid. But the appellatant being a law abiding person, complied the impugned order. He lastly prayed that the impugned order be set aside.

The learned Spl. PP. appearing on behalf of the D.M., Siwan submitted that as the mandatory date of externment has been elapsed on 17.05.2014, the impugned order itself became infrutucous. so there is now no need for entertaining this appeal.

Considering the facts and circumstances of the case and the material on records and on going through the impugned order of externment, it seems to me that some mistake has been crept in the said notice dated 30.04.2014 at some level. As such, the impugned order dated 03.05.2014 automatically becomes illegal which was supposed to have been passed later on.


Thus for the aforesaid reasons, the impugned order is not sustainable, hence the same is set aside accordingly,

In the result, this appeal is disposed of.

Dictated & Corrected by me.

  
Commissioner  
Saran Division, Chapra

20/5/14

  
Commissioner  
Saran Division, Chapra

20/5/14