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The Criminal-Procedure-Code-CrPC-1973

Section 137 - Procedure where existence of public right is denied

137.Procedure where existence of public right is denied. (1) Wherean order is made under section 133 for the purpose of preventingobstruction, nuisance or danger to the public in the use of any way,river, channel or place, the Magistrate shall, on the appearancebefore him of the person against whom the order was made, question himas to whether he denies the existence of any public right in respectof the way, river, channel or place, and if he does so, the Magistrateshall, before proceeding under section 138, inquire into the matter. (2) If in such inquiry the Magistrate finds that there is anyreliable evidence in support of such denial, he shall stay theproceedings until the matter of the existence of such right has beendecided by a competent Court ; and, if he finds that there is no suchevidence, he shall proceed as laid down in section