**IN THE HIGH COURT OF JHARKHAND AT RANCHI**
**Cr.M.P. No.1951 of 2022**
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1. Ram Ratan Pandey, aged about 50 years son of Late Baldeo Pandey,
2. Smt. Sushila Devi @ Sushila Pandey, aged about 49 years, wife of Ram Ratan Pandey, Both R/o Village-Hurhuru, P.O. & P.S.-Sadar, District-Hazaribagh.

… Petitioners

***Versus***

1. The State of Jharkhand
2. Bishundev Pandey, aged about 53 years s/o Late Hridyanand Pandey, resident of Village-Hurhuru, P.O. & P.S.-Sadar, District-Hazaribagh.

… Opposite Parties

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For the Petitioners : Mr. Binod Kr. Dubey, Advocate
For the State : Mr. Bhola Nath Ojha, Spl.P.P.
For the O.P. No.2 : Mr. Vishal Kr. Rai, Advocate

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**P R E S E N T**

**HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY**

***By the Court:-*** Heard the parties.

2. This Criminal Miscellaneous Petition has been filed invoking the jurisdiction of this Court under Section 482 of the Code of Criminal Procedure with a prayer to quash and set aside the order dated 16.04.2022 passed in Cr. Revision No.140 of 2018 by learned Additional Sessions Judge-II, Hazaribagh by which the learned Additional Sessions Judge-II, Hazaribagh has dismissed the Criminal Revision which was filed against the order dated 10.08.2018 in Misc. Case No.07 of 2011 by which an order

was passed under Section 147 of Cr.P.C. by the SDM, Sadar Hazaribagh whereby the SDM, Sadar Hazaribagh was directed to petitioner not to make any obstruction on the road and not to construct any boundary or any type of construction over the land of the concerned proceeding.

3. The brief facts of the case is that a proceeding under Section 147 of Cr.P.C. has been initiated at the instance of the first party claiming that they are exist a road over the land in question situated in Village Hurhuru, PS No.147, Khata No.83, Plot No.1088/2584 of area 0.2 acres. The orders passed in the said Misc. Case No.07 of 2011 prior to the impugned revisional order passed by the learned Additional Sessions Judge-II, Hazaribagh in Criminal Revision No.140 of 2018 was twice before the learned Sessions Judge/Additional Session Judge-II, Hazaribagh in the order dated 10.08.2018 in Misc. Case No.07 of 2011. The SDM, Sadar Hazaribagh considered a deposition of the witnesses of the oral evidence of the first party in which they have stated that there is road over the land in question, but it appears from the said orders that reliance was placed by the SDM, Sadar Hazaribagh on the report of Executive Magistrate namely Vedvanti Kumari who held a local inspection and reported. As per the report by the said Vedvanti Kumari, Executive Magistrate, the copy of which has been annexed as Annexure-A of the reply of the petitioner to the counter affidavit filed on behalf of the opposite party no.2 dated 07.12.2022 at Page No.09 shows that she has mentioned that the road is passing through the Plot No.1080/2584, but in that report, there is no reference to Plot No.1088/2584 in respect of which

the land, the said order dated 10.08.2018 was passed by the SDM, Sadar Hazaribagh in Misc. Case No.07 of 2011.

4. Being aggrieved by the said order dated 10.08.2018, the second party filed Criminal Revision No.140 of 2018, it is submitted by the learned counsel for the petitioners that the learned Additional Sessions Judge-II, Hazaribagh failed to appreciate the error committed by the SDM, Sadar Hazaribagh in passing the order dated 10.08.2018 by though relying upon the report submitted by the Vedvanti Kumari, Executive Magistrate, but failing to take note of the fact that the said report was in respect of the Plot No.1080/2584 and not in respect of the plot involved in this case which bears Plot No.1088/2584, hence, it is submitted that the learned Additional Sessions Judg-II, Hazaribagh has committed a grave error by not setting aside the order dated 10.08.2018 passed in Misc. Case No.07 of 2011 by the SDM, Sadar Hazaribagh, hence, it is lastly submitted that the prayer as prayed for by the petitioner, in this Cr.M.P., be allowed.

5. Learned Spl.P.P. appearing for the State and the learned counsel for the opposite party No.2 on the other hand vehemently oppose the prayer of the petitioner made in the instant Cr.M.P and submit that though in the report dated 11.07.2018 submitted by the Vedvanti Kumari, Executive Magistrate, there is no reference of Plot No.1088/2584 and the Plot number mentioned therein is that 1080/2584, but the same has occurred because of a printing/typing error in the report submitted by the Vedvanti Kumari, Executive Magistrate. It is further submitted that in fact, Executive Magistrate has rightly referred to the report submitted by

the Vedvanti Kumari, Executive Magistrate to the report in respect of Plot No.1088/2584, hence, it is submitted that there is no illegality in the same, therefore, it is submitted that this Cr.M.P., being without any merit, be dismissed.

6. Having heard the rival submissions made at the Bar and after carefully going through the materials available in the record, this Court do not find any merit in the contention of the opposite party no.2 herein who was the first party before the SDM, Sadar Hazaribagh that the report of Vedvanti Kumari, Executive Magistrate was in respect of Plot No.1088/2584, but because of printing/typing error, the same has been mentioned as Plot No.1080/2584, because there is no material in the record to support such a contention and after going through the materials available in the record, this Court is of the considered view that since Vedvanti Kumari, Executive Magistrate has made the local inspection and submitted her report on 11.07.2018 in respect of Plot No.1080/2584 and not of Plot No.1088/2584, the impugned order dated 10.08.2018 passed by the SDM, Sadar Hazaribagh basing upon such report, but referring the Plot number instead 1080/2584 as mentioned in the report of Vedvanti Kumari, Executive Magistrate to the Plot No.1088/2584 without any explanation why such change in plot number have been made by the SDM, Sadar Hazaribagh is an error apparent on the face of the record, so the said order is not sustainable in law and the learned Sessions Judge-II, Hazaribagh has failed to appreciate the said error apparent on the face of record in passing the impugned order.

7. Considering the aforesaid facts and circumstances of the case, this Court is of the considered view that both the order dated 10.08.2018 passed by the SDM, Sadar Hazaribagh in Misc. Case No.07 of 2011 and the order dated 16.04.2022 passed by the learned Additional Sessions Judge-II, Hazaribagh in Criminal Revision No.140 of 2018 are not sustainable in law and be quashed and set aside.

8. Accordingly, both the order dated 10.08.2018 passed by the SDM, Sadar Hazaribagh in Misc. Case No.07 of 2011 and the order dated 16.04.2022 passed by the learned Additional Sessions Judge-II, Hazaribagh in Criminal Revision No.140 of 2018, is quashed and set aside *qua* the petitioners only.

9. The matter is remitted to the Court of SDM, Sadar Hazaribagh to pass a fresh order in accordance with law.

10. In the result, this Cr.M.P., is allowed to the aforesaid extent only.

**(Anil Kumar Choudhary, J.)**

High Court of Jharkhand, Ranchi
Dated the 15th of July, 2026
AFR/ Abhiraj

Uploaded on 18/07/2026