

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

**Criminal Miscellaneous No.18713 of 2015**

Arising Out of PS.Case No. -null Year- null Thana -null District- WESTCHAMPARAN(BETTIAH)

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1. Manshi Yadav. Son of Pahwari Yadav.
  2. Kanhaiya Yadav.
  3. Arbind Yadav.
  4. Badari Yadav. All sons of Manshi Yadav.
  5. Kedar Yadav.
  6. Bhim Yadav. Sons of Late Daroga Yadav. All resident of village - Senuwariya, Police Station - Sirisiya O.P., District - West Champaran.

.... .... Petitioner/s

Versus

1. The State of Bihar.
2. Gopal Yadav.
3. Bhuteli Yadav. Sons of Late Balroop Yadav.
4. Vijay Yadav.
5. Ajay Yadav.
6. Sanjay Yadav.
7. Manjay Yadav. Sons of Bhuteli Yadav. All are resident of village - Senuwariya, Police Station - Sirisiya O.P., District - West Champaran.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Sanjay Kumar No.7, Adv.  
For the Opposite Party/s : Mrs. Indu Bala Pandey, APP

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

**ORAL JUDGMENT**

**Date: 01-05-2015**

This application under section 482 of the Code of Criminal Procedure (hereinafter referred to as 'the Code') has been filed for quashing the order dated 29.11.2014 passed in Cr.Rev. No.40 of 2013 by the learned 3<sup>rd</sup> Additional District & Sessions Judge, West Champaran at Bettiah, whereby the revisional court has affirmed the order dated 10.01.2013 passed in Case No. 2303 of 2012 by the learned Sub Divisional Magistrate, West Champaran at Bettiah

in a proceeding under section 144 of the Code.

In my opinion, though the application has been filed under section 482 of the Code but the same is in the nature of second revision, which is not permissible under section 397(3) of the Code. Apart from that, the impugned order was passed by the learned Sub Divisional Magistrate, West Champaran at Bettiah in a proceeding under section 144 of the Code. The validity of the order under section 144 of the Code is for two months only.

In that view of the matter, I dispose of this application holding the same to be infructuous.

However, it is made clear that any observation made by the learned Sub Divisional Magistrate, West Champaran at Bettiah in order dated 10.01.2013 passed in Case No.2303 of 2012 shall have no bearing in any pending or future litigation as the aforesaid order shall loose its force on expiry of two months from making thereof.

**(Ashwani Kumar Singh, J)**

Pradeep/-

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