

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40960 of 2011

Arising Out of PS.Case No. -0 Year- null Thana -null District- MUNGER

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1. Devendra Jha S/O Late Fodi Jha
2. Ghanshyam Jha S/O Late Fodi Jha
3. Mithilesh Kumar Jha S/O Late Fodi Jha, all Resident Of Village - Gorgama ,
P.S.- Tarapur , Dist- Munger.

.... Petitioner/s

Versus

1. The State Of Bihar
2. Satyedeo Jha S/O Late Damodar Jha Resident Of Village - Gorgama , P.S.-
Tarapur , District - Munger.

.... Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. R.B.S. Pahepuri, APP

For Opposite Party No.2 : Mr. Choudhary Prem Kumar Thakur, Advocate

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 06-07-2015

The Petitioners seek quashing of the order dated 26.5.2011, by which the Additional District and Sessions Judge, F.T.C. Vth, Munger in connection with Criminal Revision No.248 of 2010, by has he has affirmed the order of initiation of proceeding under Section 147 Cr.P.C. passed on 13.8.2010 by the Sub Divisional Magistrate, Tarapur in Case No.3 of 2010.

The submission of the Petitioners is that for the same piece of land a Title Suit was pending between the parties, in which the prayer for injunction filed by the Opposite Party No.2 had been rejected. Hence, the continuance of a proceeding under Section 147

Cr.P.C. is illegal.

On the other hand, the Counsel for the Opposite Party No.2 submits that since this order was passed in the year 2010 but it is not known as to what has happened in the intervening 5 years, the order be not interfered with.

Be that as it may, the application is disposed of with a direction to the Sub Divisional Magistrate, Tarapur in connection with Case No.3 of 2010 to consider the aforesaid submissions and pass an appropriate order within a period of three weeks from the date of receipt of this order in accordance with law.

(Anjana Prakash, J)

Narendra/-

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