

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.33817 of 2011

Arising Out of PS.Case No.125(M) Year- 2010 District- BHABHUA (KAIMUR)

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1. Shiv Narayan Chaurasia, son of Sukalu Chaurasia, Vill Dasauti, P.O. Sondhi, P.S. Mohania, Distt. Kaimur at Bhabua
 2. Raju Chaurasia, son of Shiv Narayan Chaurasia, Vill Dasauti P.O. Sondhi, P.S. Mohania Bhabua

.... Petitioner/s

Versus

1. The State Of Bihar
 2. Makashudan Singh Yadav, son of Late Shiv Ropan Singh Yadav, Vill Dasauti Po Sondhi, P.S. Mohania, Distt. Kaimur at Bhabua
 3. Ramashray Chaurasia, son of Kalpanath Chaurasia,
 4. Amit Chaurasia, son of Ramashray Chaurasia
- Both resident of Vill Dasauti, P.O. Sondhi, P.S. Mohania, Distt. Kaimur at Bhabua

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Adv.

For the State : Mr. U.L. Verma, A.P.P.

Mr. Jitendra Kumar Pandey, A.P.P.

For the Opposite Party No. 2 : Mr. Rajesh Kr. Singh, Adv.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 17-03-2015

Heard learned counsel for the Petitioners and the State.

The Petitioners seek quashing of the order dated 16.7.2011 passed by the Additional Sessions Judge, F.T.C. – III, Kaimur at Bhabua, in Cr. Revision No. 171 of 2011/2 of 2011, Complaint Case No. 103 C of 2008 by which he has affirmed the order dated 10.12.2010 passed by the Sub Divisional Judicial Magistrate, Mohania, in Case No. 125(M) of 2010 by which he has converted the Proceeding under Section 144 Cr. P.C. to one under

Section 145 Cr. P.C.

It has been submitted on behalf of the Petitioners that it is well established by decisions of all Courts including the High Court that the Petitioners are title holders of the property and, hence, the present Proceedings should not proceed.

Considering that, the Petitioner will have an opportunity to place these arguments which is a question of fact and evidence has to be led in its respect, the application is disposed off with liberty to the parties to appear before the Court below who shall dispose off the proceeding positively within a period of four months from the date of receipt of this order without granting unnecessary adjournment to any Party.

The application stands disposed off.

(Anjana Prakash, J)

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