

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.1121 of 2012

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1. Nand Jee Singh.
 2. Sawaliya Singh
Both sons of late Hare Ram Singh.
 3. Ravindra Kumar Singh.
 4. Jitendra Kumar Singh.
Both sons of Late Pitambar Singh.
All are residents of Village- Chandparsa, P. S.- M. H. Nagar
(Hasanpura), District- Siwan.

..... 2nd Parties/Opposite Parties.
.... Petitioners

Versus

1. The State of Bihar
2. Suba Ram
3. Mosaffir Ram.
Both sons of Late Ganga Ram.
Both residents of Village- Pakari, P. S.- M. H. Nagar (Hasanpura),
District- Siwan.

..... 1st Parties/ Revisionist.
.... Opposite Parties.

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Appearance :

For the Petitioner/s : Mr. Girish Chandra Sharma, Advocate
For the Respondent/s : Mr. A. M. P. Mehta (App)

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

6 09-01-2015 Heard learned counsel for the petitioners and the

opposite parties.

2. The Court of Executive Magistrate, Maharajganj,

Siwan, vide his order dated 16.11.2000 in Trial No.22 of 2000
declared possession of the petitioners-second parties (herein).

3. Being aggrieved, the 1st party-opposite parties

(herein) went in revision before the learned Sessions Judge, Siwan
vide Cr. Revision No. 44 of 2001. The case came to the file of 1st
Additional Sessions Judge, Siwan. The 1st Additional Sessions

Judge, Siwan vide his order dated 26.08.2011 set aside the order of the Executive Magistrate dated 16.11.2000. The effect of the order is that there is no finding with respect to possession of either of the parties. Furthermore, the matter has also not been remanded to the Executive Magistrate for fresh adjudication. In such circumstances, the order is not in operation.

4. In such circumstances, the case is remitted to the Court of 1st Additional Sessions Judge, Siwan to decide the matter afresh in accordance with law without being prejudiced either by the order of this Court or by the earlier order dated 26.08.2011 passed in Cr. Revision No. 44 of 2001, which is set aside.

5. It goes without saying that this Court has not expressed any opinion on the merit of the case of either side.

(Samarendra Pratap Singh, J.)

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