

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.502 of 2014

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Naresh Roy @ Naresh Ram, son of Bhardul Roy, resident of village-
Chandrahiya, P.S.-Kurhani (Turki O.P.), District- Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar
2. Rijhan Roy, son of late Amrit Roy, resident of village- Chandrahiya,
P.S.-Kurhani (Turki O.P.), District- Muzaffarpur

.... Respondent/s

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Appearance :

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

For the Respondent/s : Mr. J.Upadhyay, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH

ORAL ORDER

6 14-12-2016 An order dated 31.12.2013 passed by learned Sub-Divisional Magistrate, Muzaffarpur, West in Case No. M-1889 of 2013 is under challenge in the present criminal revision application, whereby learned Sub-Divisional Magistrate has vacated the restraint order in favour of the petitioner and confirmed it in favour of the opposite party No. 2.

I have perused the impugned order, from which, it transpires that on the basis of assessment of the materials produced before the Magistrate, he came to a conclusion that the opposite party No. 2 was in a position to establish his claim that he was in possession of the land, in question.

Learned counsel for the petitioner has submitted that such finding is erroneous and incorrect. He has submitted that a



title suit bearing Title Suit No. 73 of 2015 is pending in the court of learned Munsif, Muzaffarpur for deciding title and possession over the land, in question.

No interference is required with the order impugned in the facts and circumstances of the case since the dispute is essentially over title and possession over the suit property with respect to which a title suit is already pending. I am not required to reiterate the settled legal position that any finding recorded by the learned Magistrate in a proceeding under Section 144 of the Code of Criminal Procedure shall not prejudice the case of the petitioner in the title suit in any manner whatsoever.

This application is accordingly dismissed but with the observation as above.

(Chakradhari Sharan Singh, J)

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