

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.20613 of 2013

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Jai Prakash Mahto, son of Late Badri Narain Mahto, resident of Mohalla Kazipur
Road No. 3, P.S. Kadamkuan, District Patna.

.... Petitioner.

Versus

1. The State of Bihar.
2. Smt. Devanti Devi, wife of Sri Lal Babu Mehta, resident of Mohalla Kazipur
Road No. 3, P.S. Kadamkuan, District Patna.

.... Opposite Parties.

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Appearance :

For the Petitioner : Mr. Krishna Prasad Singh, Senior Advocate.
For the State : Dr. Indihar Kumari, A.P.P.
For the Opposite Party No.2 : M/s. Nagendra Kumar and Dheeraj Kumar Sinha,
Advocates.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL JUDGMENT

Date: 29-02-2016

Heard the parties.

2. This application under Section 482 of the Code of Criminal Procedure has been filed on behalf of the petitioner to quash the order dated 02.02.2013 passed by the Additional Sessions Judge-II, Patna, dismissing the Criminal Revision No.690 of 2012 of the petitioner affirming the order dated 25.06.2012 passed by the Sub Divisional Magistrate, Patna Sadar, Patna, whereunder Case No.1447(M) of 2011 under Section 133 of the Code of Criminal Procedure was dropped with a direction to the second party/petitioner to remove the wall erected in front of the door of the house of the first party/opposite party no.2.

3. Learned counsel appearing on behalf of the petitioner

submits that, in fact, the land in front of the door of the house of the first party/opposite party no.2, belongs to the second party /petitioner but the learned Sub Divisional Magistrate, Patna Sadar, Patna did not consider the same and pass the order dated 25.06.2012 in Case No.1447(M) of 2011 under Section 133 of the Code of Criminal Procedure illegally, which has also been affirmed by the learned Additional Sessions Judge-II, Patna, vide order dated 02.02.2013 passed in Criminal Revision No.690 of 2012.

4. On the other hand, learned counsel for the opposite party no.2 submits that the Circle Inspector of Patna Sadar, Patna, has already submitted the report on 08.05.2015 before the Sub Divisional Magistrate, Patna Sadar, Patna, regarding the compliance of the order dated 25.06.2012, regarding the opening of the door which was obstructed by erecting the wall by the second party/petitioner.

5. Since the impugned order dated 25.06.2012 has already been complied with, as mentioned above, I find no reason to interfere with the same in an extraordinary jurisdiction under Section 482 of the Code of Criminal Procedure. Accordingly, this application stands dismissed. However, the petitioner would be at liberty to raise his grievance, as raised herein, before the appropriate forum.

(Rajendra Kumar Mishra, J)

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