

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33803 of 2013

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Jai Ram Mahto, S/O Late Deonandan Mahto, Resident of Village- Jalalpur,
Police Station- Doriganj, District- Chapra.

.... Petitioner

Versus

1. The State Of Bihar.
2. Sri Ram Babu Mahto, S/O Late Ram Narayan Mahto, Resident of Gur Ki Mandi, Police Station- Alamganj, District- Patna.
3. Saryug Prasad, S/O Yamuna Prasad, Resident of Village Choti Pahari Near Bajrangbali Murti, Police Station- Bypass, District- Patna, Presently Residing At Village- Mandachh, P.S- E kangarsarai, Distt- Nalanda.
4. Malti Sinha S/O Yamuna Prasad Singh, Resident Of Village- Mandachh, P.O- Mandachh, P.S- Hilsa, District- Nalanda, At Present Residing At Choti Pahari Near Bajrangbali Murti, Police Station- Bye Pass, District- Patna.

.... Opposite Parties.

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Appearance :

For the Petitioner/s : Mr. Sanjan Kumar Sharan, Adv.

For the Opposite Party/s : Mr. Dashrath Mehta, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

2 29-02-2016

Heard.

The present application has been filed under Section 482 of the Cr.P.C. against the order dated 24.04.2013 passed in Misc. Case No. 96 of 2013, wherein the S.D.M. Patna City made the rule absolute under Section 144 of Cr.P.C. against the member of the first party including the petitioner vacating the same against the members of the second party/Respondent No. 2 to 4.

Learned counsel appearing on behalf of the petitioner

submits that the petitioner was one of the member of the first party in the proceeding under Section 144 of Cr.P.C. before the Court of SDM, Patna City. Through the impugned order, the rule of law made absolute against the members of the first party including the petitioner vacating the same against member of the second party/respondent no. 2 to 4, but the learned SDM, Patna City also come to finding that opposite party/respondent no. 2 and 3 are in possession, which is without jurisdiction.

The impugned order is passed on 24.04.2013 in proceeding under Section 144 Cr.P.C. of which the life span is only sixty days and the proceeding under Section 144 of Cr.P.C. is only prohibiting in nature. Hence, such impugned order has become meaningless. As such, I find no reason to interfere with impugned order in extraordinary jurisdiction under Section 482 Cr.P.C. and accordingly the present application is dismissed. However, finding of possession in the impugned order will not be deemed to be in existence for any legal proceeding between the parties.

(Rajendra Kumar Mishra, J)

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