

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.52374 of 2013

- =====
1. Pramod Vikram Sah, son of Late Surya Vikram Sah.
 2. Aslam Parwej, son of Alam Parwej.
 3. Nazeer Ansari, son of Ibrahim Ansari.
 4. Bhola Sah, son of Mukti Sah.
 5. Ali Ansari, son of Haz Hazi Ansari.
- All resident of village-Dadraul, P.S.-Matiyaria, District-West Champaran.

.... Petitioners.

Versus

1. The State of Bihar.
2. Prabhat Vikram Shah, son of Late Surya Vikram Sah, resident of village-Dadraul, P.S.-Matiyaria, District-West Champaran.

.... Opposite Parties.

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Appearance :

For the Petitioners : Mr.

For the Opposite Parties : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL JUDGMENT

Date: 11-04-2016

Heard.

2. This application under Section 482 of the Code of Criminal Procedure filed on behalf of the petitioners is directed against the order dated 18.11.2013 passed by the Sub Divisional Magistrate, Narkatiyaganj, District-West Champaran, initiating the proceeding under Section 144 of the Code of Criminal Procedure, numbered as Case No.1757 of 2013, restraining both the parties to move over the land in dispute and to file their show cause on 27.11.2013.

3. Submission on behalf of the petitioners is that earlier a

proceeding under Section 144 of the Code of Criminal Procedure was initiated, which was dropped with respect to the same land on 16.11.2013 and, thereafter, after two days, through the impugned order, again the proceeding under Section 144 of the Code of Criminal Procedure is initiated by the Sub Divisional Magistrate, Narkatiaganj, District-West Champaran, which is illegal. Further submission is that Title Suit No.279 of 2012 has been filed by the members of the first party/opposite party no.2 which is pending in the court of Sub Judge, Bettiah, West Champaran.

4. The life span of the order under Section 144 of the Code of Criminal Procedure, which is prohibitory in nature, is only 60 days which has already elapsed much earlier and the impugned order has also no legal affect in respect of the right, title in any legal proceeding between the parties in respect of the land in dispute.

5. Under the aforesaid facts and circumstances, I find no illegality calling for interference in the impugned order in an extraordinary jurisdiction of this Court under Section 482 of the Code of Criminal Procedure.

6. Accordingly, this application stands dismissed.

(Rajendra Kumar Mishra, J)

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