

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.109 of 2006

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Shiv Dulari Devi, wife of Sri Vijay kumar Singh @ Ragho Prasad Singh, resident of village & P.O. Matihani, P.S. Aurai, Sub Division East Muzaffarpur, Distt. Muzaffarpur.

.... Petitioner/s

Versus

1. Ram Biraji Devi, wife of late Harisharan Singh
2. Sunil Kumar Singh
3. Sudhir Kumar Singh
4. Anchala Devi

Sl. Nos. 2 to 4 are sons and daughter of late Harisharan Singh
All residing of village & P.O. Matihani, P.S. Aurai, Distt. Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajeshwar Rai, Adv.
Mr. Ujjwal Kumar Sinha, Adv.

For the State : Mr. R.B. Roy 'Raman', A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 21-06-2016

Heard learned counsel for the Petitioner and the State.

The Petitioner seeks revision of the order dated 25.11.2015 passed by the Executive Magistrate, East Muzaffarpur, in Case No. 1046 of 1998, Trial No. 189 of 2005 filed in a Proceeding under Section 145 Cr. P.C.

After hearing both the Parties, it appears that Plot Nos. for which the final order was passed in a Proceeding under Section 145 Cr. P.C. were one and the same upon which Title of the Petitioner was declared upto the Apex Court.

In such circumstances, evidently, the Proceeding under

Section 145 Cr. P.C. is not maintainable.

Hence, the application is allowed and the order dated 25.11.2015 passed by the Executive Magistrate, East Muzaffarpur, in Case No. 1046 of 1998, Trial No. 189 of 2005 filed in a Proceeding under Section 145 Cr. P.C, is hereby, set aside.

(Anjana Prakash, J)

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	N/A.
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