

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31251 of 2014

=====

Dhanush Dhari Prasad, son of Late Anurag Prasad, Resident of Village-
Dhoom Nagar, Purbari Tola, P.S. Nautan, District-West Champaran.
..... Petitioner.

Versus

The State of Bihar & Ors

..... Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No.-7
For the Opposite Party/s : Mr. Asha Kumari(App)

=====

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

2 27-06-2016

Heard.

This application has been filed under Section 482 of the Cr.P.C. against the order dated 26.02.2014 passed in Cr. Revision No. 15 of 2013, whereunder, the learned Adhoc District and Sessions Judge-III, West Champaran at Bettiah dismissed the aforesaid Criminal Revision of the petitioners preferred against the order dated 02.01.2013 in Case No. 11M of 2013 initiating the proceeding under Section 145 Cr.P.C. in respect to the land in dispute by the Sub-Divisional Magistrate, Sadar, Bettiah in which the petitioners were the member of the second party, whereas O.P.No.2 to 5 were the members of the first party.

The sole submission of the learned counsel for the petitioner is that Title Suit No. 189 of 2013 filed by the son of the petitioner Ajay Prasad on 24.05.2013 against the O.P. Nos. 2 & 3 is pending for disposal in the Court of Sub-Judge, Bettiah at West

Champaran regarding the land in dispute as such the impugned order dated 26.02.2014 affirming the order dated 02.01.2013 initiating the proceeding under Section 145 Cr.P.C. is bad in law. Admittedly, the order dated 02.01.2013 of the SDM Sadar Bettiah initiating the proceeding of 145 Cr.P.C. is passed earlier to the 24.05.2013 on which date T.S.No. 189 of 2013 is said to be filed by petitioner against O.P Nos. 2 and 3.

On perusal of the impugned order, I find no illegality to interfere with the same in extraordinary jurisdiction under Section 482 Cr.P.C. and accordingly the present application is dismissed. However, the petitioner is at liberty to raise his grievance by filing application under Section 145 (5) Cr.P.C. to drop the proceeding of 145 Cr.P.C. Which would be disposed of without being prejudiced by this order on its own merit.

(Rajendra Kumar Mishra, J)

manish/-

U		T	
---	--	---	--