

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.800 of 2015

Arising Out of PS.Case No. -null Year- null Thana -null District- LAKHISARAI

1. Ajay Kumar Singh Son of late shyamali singh
2. Ranjay Kumar Singh Son of Sri Krishna Nandan Singh Both residents of Village Saithna, P.s Halsi, District Lakhisarai.

....First Parties....Opposite Parties 2nd Set...Petitioners

.... Petitioner/s

Versus

1. Bishundeo Mahton Son of late Ghutak Mahton
2. Fuleshwar Mahton son of Ghutak Mahton
3. Kanhai Mahton Son of Late Prasadi Mahton
4. Kailash Ram son of late Prasadi Mahton

...2nd parties Petitioner nos. 1-4 Opposite Parties 1st Set.

5. Parsuram Singh Son of late Ram Nandan Ram
6. Mithilesh Singh son of late Dhaneshwar Singh
7. Damodar Singh son of late Ram Kishun Singh
8. Udai Shankar Singh son of late Ram Kishun Singh
9. Balram Singh son of late Ram Kishun Singh
10. Shadhusharan Singh Son of late Bisheshwar Singh
11. Sitaram Singh Son of late Ishwari Singh
12. Dinesh Mahton Son of late Agnu Mahton
13. Nageshwar Mahton Son of late Ghutak Mahton
14. Rajo Mahton son of late Paro Mahton
15. Ranjay Mahton son of late Khushal Mahton
16. Manoj Mahton son of late Musho Mahton
17. Indradeo Mahto Son of late Chano Mahton
18. Biranchi Mahton Son of late Chano Mahton
19. Jairam Mahton Son of late Chhotan Mahton
20. Bhagwan Mahton son of lae Chhedi Mahton

..Intervenors... Petitioner nos. 5 to 20Opposite Parties 2nd Set.

21. The State of Bihar.

...Opposite Party 3rd Set.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Pushkar Narain Shahi, Sr. Adv.

Mr. Patanjali Rishi, Adv.

For the Ops No. 1-20: Mr. P.P.N Sahi, Adv.

For the Respondent/s : Mr. Akbar Ali, APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 17-03-2016

The petitioners seek revision of the order dated 04.07.2015 passed by the Sessions Judge, Lakhisarai in Cr. Revision No. 12 of 2015 by which he has set aside the order dated 09.04.2015 passed by Executive Magistrate, Lakhisarai in Case No. 676M of 2009 by which he had declared the possession of the present petitioners.

It appears that second party never objected to the documents being exhibited as per the rules of Section 63 Evidence Act. Subsequently in revision he made an objection to this effect.

In my view since there was no objection in the first place in regard to the authenticity of the documents, the revisional Court was wrong in setting aside the order on an important question of fact which had been conclusively decided by the Court below after due enquiry, on such a plea.

Hence the application stands allowed and the order dated 04.07.2015 passed by the Sessions Judge, Lakhisarai in Cr. Revision No. 12 of 2015 is hereby set aside.

(Anjana Prakash, J)

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