

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36734 of 2013

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1. Lalan Choudhari, S/O Late Jagnarain Choudhari, Resident of Village Barodih, P.O. Rajaiya, P.S. Piro, District Bhojpur.
 2. Kalatar Choudhari S/O Lalan Choudhary Resident of Village Barodih, P.O. Rajaiya, P.S. Piro, District Bhojpur.

.... Petitioners

Versus

1. The State Of Bihar.
2. The Sub Divisional Magistrate, Piro, District Bhojpur.
3. The Officer-In-Charge, Police Station, Piro, District Bhojpur.
4. Parash Choudhary S/O Late Gowadhan Choudhary Resident of Village Barodih, P.O. Rajaiya, P.S. Piro, District Bhojpur.
5. Surendra Choudhary S/O Paras Choudhary Resident of Village Barodih, P.O. Rajaiya, P.S. Piro, District Bhojpur.
6. Harendra Choudhary S/O Paras Choudhary Resident of Village Barodih, P.O. Rajaiya, P.S. Piro, District Bhojpur.
7. Dinesh Kumar, S/O Surendra Choudhary Resident of Village Barodih, P.O. Rajaiya, P.S. Piro, District Bhojpur.
8. Munna Kumar, S/O Surendra Choudhary Resident of Village Barodih, P.O. Rajaiya, P.S. Piro, District Bhojpur.

.... Opposite Parties.

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Appearance :

For the Petitioners : Mr. Sanjay Kumar Singh
For the Opposite Parties : Mr. C.Jawahar (App)

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

5 10-03-2016

Heard.

This application has been filed under Section 482 of Cr.P.C. against the order dated 25.07.2013 passed in Case No. 46 of 2013, whereunder the S.D.M., Piro, Bhojpur made the rule absolute against first party/petitioner and vacating the same in favour of the members of the Second Party/O.P Nos. 4 to 8 in proceeding under Section 144 of Cr.P.C.

Learned counsel appearing on behalf of the

petitioners submits that while the life span of order passed under Section 144 Cr.P.C. is only 60 days and prohibiting in nature, but the S.D.M., Piro, Bhojpur through the impugned order has observed that the members of the second party prays to have title over the land in dispute, which is not permissible in law.

Since, the life span of order passed under Section 144 Cr.P.C. is only 60 days and in prohibiting in nature. As such, the impugned order has lost its effect. Moreover, the observation of the S.D.M., Piro, Bhojpur regarding the title of the parties in respect of the land in dispute will have no effect in any legal proceeding in between the parties. Accordingly, this application is hereby dismissed with above observation.

(Rajendra Kumar Mishra, J)

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