

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No. 1260 of 2013

Arising out of P.S. Case No. -null Year- null Thana -null
District- MUZAFFARPUR

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Nagendra Prasad Singh, Son of late Ram Narayan Singh, Resident of
Village-Tengraha, P.S.-Minapur, District-Muzaffarpur (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar.

2. Gajendra Singh, Son of Late Sukhdeo Singh, Resident of Village-
Tengraha, P.S.-Minapur, District-Muzaffarpur (Bihar), Smt. Nisha
Prakash, Wife of Ashish Prakash.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anshul, Adv.

For the Respondent/s: Mr. APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 16-02-2016

The Petitioner seeks revision of the order dated
23.08.2013 by which the 3rd Additional District & Sessions
Judge, Muzaffarpur in Cr. Rev. No. 43 of 2012 has set aside
the interim order dated 19.09.2011 passed by the Executive
Magistrate, East Muzaffarpur in a proceeding under Section
145 Cr.P.C. holding that the sale deed which was proved by
the Court below in the proceeding should not have been done
even while noting that the proceeding had come to an end set
aside the order.

I find that the final order under Section 145 Cr.P.C.
was set aside merely on an Interlocutory Application assailing
only order by which the sale deed was proved without a
prayer for setting aside the substantive order.

In view of such, the order dated 23.08.2013 by which the 3rd Additional District & Sessions Judge, Muzaffarpur in Cr. Rev. No. 43 of 2012 has set aside the interim order dated 19.09.2011 passed by the Executive Magistrate, East Muzaffarpur is, hereby, set aside.

The Revision Application stands allowed.

(Anjana Prakash, J.)

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