

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 45556 of 2013

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Madan Mohan Jha, Son of Shobha Kant Jha, Resident of Village - Hirni,
Police Station - Kusheshwar Asthan, District - Darbhanga

.... Petitioner

Versus

1. The State of Bihar
2. Vinay Raghaw Mishra, Son of Late Ram Nandan Mishra, Resident of Village - Jagdishpur (Raghunathpur), Police Station - Ashok Paper Mill (O.P. Pator), District - Darbhanga
3. Sukhdeo Roy, Son of Bhutai Roy, Resident of Village - Lodipur, Police Station - Kusheshwar Asthan and District - Darbhanga
4. Hira Yadav, Son of Sri Lal Yadav
5. Abdul Gafoor, Son of Md. Asaraf
Both Resident of Village - Laxminiya, Police Station - Kusheshwar Asthan, District - Darbhanga
6. Shiv Shankar Sah, Son of Kamdeo Sah, Resident of Village - Sakarena, Police Station - Kusheshwar Asthan, District - Darbhanga
7. Bhageshwar Sah, Son of Siya Ram Sah, Resident of Masankhon, Police Station - Kusheshwar Asthan, District - Darbhanga
8. Laxmi Narayan Yadav, Katib, Registry Office, Laheriasarai, District - Darbhanga

.... Opposite Parties

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Appearance :

For the Petitioner : Mr.

For the Opposite Parties : Mr.

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CORAM: HONOURABLE MR. JUSTICE GOPAL PRASAD

ORAL ORDER

3 08-03-2016

Heard.

This is a petition for quashing the order dated 31.07.2013 passed by the learned Ad hoc Additional Sessions Judge-IV, Darbhanga in Cr. Revision No. 111 of 2013 by which he has affirmed the order dated 08.02.2013 passed by the learned Judicial Magistrate, 1st Class, Darbhanga in Mi 160 of 2012/C.R. No. 929 of 2012 dismissing the complaint petition under Section 203 Cr.P.C.

The prosecution case, as alleged in the complaint petition, is that petitioner has purchased the land and the same has been mutated in his name. However, opposite party no. 2 in collusion with other accused persons sold the same land to the opposite party nos. 3 to 8.

However, the learned Magistrate and the learned Sessions Judge dismissed the complaint.

However, the allegation made does not make out an offence under Sections 406, 465, 466, 467, 471 and 120B of the Indian Penal Code as there is no allegation of criminal breach of trust, but the matter is concerned with the adjudication of the title and the right of a party and a criminal Court cannot decide the same.

Hence, I do not find any merit in the petition and the same is dismissed.

(Gopal Prasad, J)

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