

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.270 of 2015

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1. Bhulender Bin S/o Late Motichand Bin
2. Singhasan Bin S/o Late Mahadeo Bin
Both are Resident of Village Dhobani, Tola Birta, Police Station Sathi,
District West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sk. Jamil Ahmad S/o Late Sk. Md. Saheed Resident of Village Dhobani,
Police Station Sathi, District West Champaran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No.-7

For the Respondent/s : Mr. Satyendra Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 10-03-2017 Heard learned Counsel for the parties
concerned.

The petitioner is aggrieved by an order, dated 17.10.2014, passed in Criminal Revision No. 53 of 2014, by learned Additional Sessions Judge VI, West Champaran, at Bettiah, whereby he has set aside an order, dated 26.12.2013, passed by learned Sub Divisional Magistrate, Narkatiaganj, in a proceeding under Section 146 of the Code of Criminal Procedure, 1973 (in short, "the Code").

Assailing the impugned order, learned Counsel for the petitioner has submitted that he did not receive any notice with respect to the said criminal revision proceeding



before the Court below. He has, secondly, submitted that the title suit between the parties is pending and, therefore, there would be no justification for continuation of any proceeding under Section 146 (1) of the Code.

I have perused the order, dated 26.12.2013, passed by learned Sub Divisional Magistrate, Narkatiaganj, which has been set aside by the Court below by the order, which is impugned in the present criminal revision application. On the face of it, the said order, dated 26.12.2013, is not sustainable being cryptic and unreasoned.

In that view of the matter, I do not intend to interfere with the impugned order, dated 17.10.2014.

Learned Counsel for the petitioners has submitted that any finding or opinion recorded by the Court below in the impugned order may not prejudice the petitioners' case of title and possession over the disputed land.

This goes without saying. There is no such observation in the impugned order, which could be said to have adversely prejudiced the petitioners' case of title or possession. This is, however, observed that it will not prejudice the petitioners' case in any manner whatsoever.

This application stands disposed of with the



observation, as above.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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