

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.38778 of 2014

Arising Out of PS.Case No. -null Year- null Thana -null District- VAISHALI(HAJIPUR)

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Ram Babu Singh S/o Raktu Singh resident of village- Lodipur, Chakwara, P.S.-
Hajipur Town, District- Vaishali Petitioner/s

Versus

1. The State of Bihar
2. Vijay Kumar Singh S/o Dasai Singh R/o village- Lodipur Chakwara, P.S.-
Hajipur Town, District- Vaishali. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Subodh Prabad, Advocate
For the State : Mrs. Pushpa Sinha, APP
For the Opposite Party/s : Mr. T.N. Matin, Sr Advocate
Mr. Rajeev Kumar Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 15-11-2017

Heard counsel for the petitioner and counsel for the
Opposite Party no. 2.

The instant petition has been filed for quashing the order
dated 07.07.2014 passed by the learned Sessions Judge, Vaishali by
which he has dismissed the revision application of the petitioner on
the point of limitation.

It appears that on a dispute regarding passing of drainage
between the lands of the petitioner and the Opposite party no. 2 some
petitions had been filed in the year, 1997 by the petitioner under
Section 147 Cr.P.C., details of which are not available on record.
Pursuant to the said petition it has been submitted by the counsel for
the petitioner that BDO, Hajipur vide Annexure 2 has submitted a
report regarding opening of blocked drainage in public interest. The



said issue of 1997 was finally raised by the petitioner by filing an application under Section 147 in the year, 2012 before the Executive Magistrate, Hajipur. Owing to his none appearance his further appearance was barred under order dated 11.04.2013 which remain unchallenged. In view thereof vide order dated 15.05.2013 the Court of Executive Magistrate, Hajipur after hearing Opposite Party No. 2 has dropped the proceedings under Section 147 arising out of Case No. MI 2714/1997. The same was challenged by the petitioner belatedly before the Sessions Judge, Vaishali vide Cr. Revision No. 258 of 2013 which has finally been dismissed vide order dated 07.07.2014 on the ground of being barred by limitation which is impugned in the instant case.

It appears that a dispute of permanent civil nature between the petitioner and the Opposite Party no. 2 over the Pakka Nala (drain) between their lands arising in the year, 1997 has finally been dismissed by order dated 07.07.2014 passed by the Sessions Judge, Vaishali owing to the repeated laches on the part of the petitioner.

No case is made out for interference under Section 482 Cr.P.C. The application is accordingly, dismissed.

(Madhuresh Prasad, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	17.11.2017
Transmission Date	17.11.2017

