

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.1079 of 2014

- =====
1. Kumar Pawan, son of Late Amar Kumar Singh, resident of village Massarih, Police Station Gaurichak, District Patna
 2. Prithvi Raj, son of Shri Ramcharitra Singh, resident of village Maheshpur, P.O.-Yogipur, P.s.-Hilsa, District Nalanda
 3. Smt. Lina Chandra Barkar, wife of Amrendra Kumar, resident of village Gosaipur, Police Station Hilsa, District Nalanda

.... Petitioners

Versus

1. The State of Bihar
2. Gopal Prasad, son of Late Binda Prasad, resident of Mohalla Kazi Bazar, Post Office and Police Station Hilsa, District Nalanda

.... Respondent/s

=====

Appearance :

For the Petitioners : Mr. Binoy Kumar
For the State : Mr. Akbar Ali (App)
for O.P>No. 2 : Mr. Rajni Kant Jha

=====

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER**

5 28-02-2017 Heard learned Counsel for the parties
concerned.

The order, dated 05.08.2014, passed in exercise of power under Section 144 of the Code of Criminal Procedure, 1973 (hereinafter referred to as "the Code"), has lost its force with the lapse of time.

The challenge to the said order in the present criminal revision application has, thus, become infructuous.

Learned Counsel for the petitioner has



submitted that the said order, under Section 144 of the Code, has been dropped against the Opposite Party No. 2 in view of the earlier finding in a proceeding arising under Section 145 of the Code that Opposite Party No. 2 was in possession over the disputed land.

I do not find any reason to maintain this application any more.

It is well settled legal position that finding recorded in a proceeding arising under Section 145 of the Code shall not be binding on civil court of competent jurisdiction for the purpose of deciding the question of title and possession over the disputed land.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

U	✓	T	✓
---	---	---	---

