

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.31854 of 2014

Arising Out of PS.Case No. -null Year- null Thana -null District- GOPALGANJ

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1. Baburam Singh S/o Late Ghurbhari Singh Resident of Village Birnaha, P.S. Fulwariya and District Gopalganj (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Musmat Sankeshiya Kuer W/o Late Ram Sahay Singh Resident of Village Kapuri, P.S. Kateya and District Gopalganj.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anirudh Kumar Verma
Mr. Vyas Kumar Mishra

For the Opposite Party/s : Mr. Humayu Ahmad Khan, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 03-08-2017

This application under Section 482 of the Code of Criminal Procedure has been filed to quash the order dated 02.05.2014 passed by the Additional District and Sessions Judge IV, Gopalganj in Criminal Revision No. 613 of 2013 / 52 of 2014. The court below as per above order refused to interfere with the order dated 27.06.2013 passed by the learned S.D.M., Hathuwa, Gopalganj in Case No. 410 of 2013.

2. Heard both sides and perused the record.

3. It appears that a proceeding under Section 144 of the Code of Criminal Procedure was initiated over 3 bigha land of plot No. 51 under Khata No. 2 of village Bairagi Tola P.S. Fulwariya,



District-Gopalganj. This petitioner being aggrieved by the order of initiation of proceeding filed Criminal Revision No. 315 of 2013. The Additional District and Sessions Judge after hearing both sides dismissed the revision as the statutory period of 60 days has already passed over.

4. The learned counsel for the petitioner submits that the court below has erred in dismissing the revision. It appears that a Title Suit No. 22 of 2012 is also pending before the court of Sub Judge-I, Gopalganj. In this view of the matter, the petitioner intends to withdraw this criminal miscellaneous application enabling him to ventilate his grievance before the court below. The statutory period of two months have already passed over and so, the court below has rightly dismissed the revision.

5. This criminal miscellaneous application is devoid of merit and is accordingly dismissed. The petitioner, if so advised, may approach before court below for adjudication of his right title over the land in question.

(Sanjay Kumar, J)

ajaypd./-

AFR/NAFR	NAFR
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