

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.6433 of 2016

Arising Out of PS.Case No. -null Year- null Thana -null District-
EASTCHAMPARAN(MOTIHARI)

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Nand Kishore Pandey son of Late Raja Pandey resident of Mohalla - Belbanwa
(Gayatri Nagar), P.S. - Motihari (Town), District - East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Smt. Sita Mira Mishra wife of Shashi Kumar Mishra, daughter of Late Sobhan Mishra resident of Mohalla - Belbanwa (Gayatri Nagar), P.O. - Motihari, P.S. – Motihari (Town), District - East Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Virendra Kuar, Advocate
For the State : Mr. Mukesh Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 27-07-2017

Heard learned counsel for the petitioner and learned counsel
for the State.

2. This application under Section 482 of the Code of Criminal Procedure (for short ‘the CrPC’) has been filed for quashing of the order dated 18.12.2015 passed in Cr. Revision No.100 of 2013 by the learned 13th Additional District and Sessions Judge, East Champaran, Motihari whereby the learned Additional Sessions Judge has dismissed the revision application filed by the petitioner against the order dated 02.03.2013 passed in Case No.669(M) of 2012 by the Sub Divisional Magistrate, Sadar, Motihari whereby he has dropped the proceeding under Section 147 of the CrPC.



3. Though this application has been filed under Section 482 CrPC, the same is in the nature of second revision which is barred under Section 397(2) CrPC. Even otherwise, on merits also, if on the basis of the report submitted by the police and the Executive Magistrate, the Sub Divisional Magistrate was satisfied that there was no dispute likely to cause a breach of peace regarding alleged right of use of land within his local jurisdiction and he dropped the proceeding under Section 147 of the CrPC, no illegality can be found with such order.

4. In that view of the matter, I see no merit in the present application. It is dismissed accordingly.

(Ashwani Kumar Singh, J)

Md.S./-

AFR/NAFR	NAFR
CAV DATE	N/A
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