

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.1011 of 2014

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1. Bindeshwari Choudhary Son of Late Kailash Choudhary Resident of
Village - Suhiya, Police Station - Shahpur, District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Lalan Sonar

3. Mohan Sonar

2 and 3 are sons of Late Dharkikshan Sonar, Resident of Village - Suhiya,
Post Office - Suhiya, Police Station - Shahpur, District - Bhojpur at Arra.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. K. N. Chaubey Ms. Ritu Priyadarshi Mr. Animesh Kumar Mr. Dineshwar Pandey Ms. Homa Yunus
For the State	:	Mr. Anil Kr. Singh No.1 (App)
For O. P. Nos. 2 & 3	:	Mr. Md. Waliur Rahman Mr. K. K. Tiwari

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

3 16-02-2017 Heard learned Counsel for the parties
concerned.

An order of learned Sessions Judge, Bhojpur, at
Ara, dated 07.11.2011, passed in Criminal Revision No. 199
of 2014, whereby he has set aside the order, dated
23.09.2014, passed by learned Sub Divisional Magistrate,
Jagdishpur, under Section 144 of the Code of Criminal
Procedure, 1973 (hereinafter referred to as "the Code"), is
under challenge in the present criminal revision application.



The sole ground which has been taken to assail the impugned order, dated 07.11.2014, is that the petitioner was not noticed and, therefore, the impugned order is in breach of Section 401 (2) of the Code.

There is no dispute over the fact that the petitioner was not noticed though he was necessary party to the proceeding.

The order, dated 07.11.2014, is accordingly set aside.

As has been indicated, the order, dated 23.09.2014, passed by learned Sub Divisional Magistrate, Jagdishpur, under Section 144 of the Code, was under challenge before the learned Sessions Judge, Bhojpur, at Ara, in said Criminal Revision No. 199 of 2014. The said order, dated 23.09.2014, has lost its force with the lapse of time by operation of Section 144 (4) of the Code.

This application is allowed with the observation, as above.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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