

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.54034 of 2013

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

=====

1. Yamuna Devi, wife of Arjun Ram, R/O Mohalla- Gaushala, Ward No. 40, P.S.-
Sahayak, District- Katihar

.... Petitioner/s

Versus

1. The State of Bihar,
2. Surti Devi, wife of Ram Bharat Ram, R/O Mohalla- Gaushala, Ward No. 40,
P.S.- Sahayak, District- Katihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 27-04-2017

1. This application has been filed for quashing the notice dated 21.10.2011 issued by the Sub-Divisional Magistrate, Katihar, in Case No.05-M of 2011 instituted under Section 147 of the Code of Criminal Procedure.

2. From the impugned order, it appears that after initiating proceeding under Section 147 Cr. P. C., the Sub-Divisional Magistrate, Katihar, has issued notice dated 21.10.2011 to the petitioner to appear and file show cause.

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

4. Counsel for the petitioner has submitted that notice issued to the petitioner is bad in law because it is vague. He has



further submitted that no boundary has been mentioned in the notice.

5. From the notice enclosed with the petition, it appears that *Mauza*, *Thana* Number, *Khata* Number, *Khesra* Number and *Rakwa* of the land, in dispute, has been mentioned.

6. This Court is of the view that merely because boundary has not been mentioned in the notice, the impugned notice issued to the petitioner under Section 147 Cr. P.C. cannot be said to be improper. After looking into the notice, it appears that the land, in dispute, is identifiable and there is no vagueness in the notice.

7. Accordingly, this quashing application is dismissed.

8. The petitioner may appear before the Court below and file show cause, which shall be considered by the learned Magistrate on its own merit without being prejudiced by this order.

(Sanjay Priya, J)

J.Alam/-

AFR/NAFR	AFR
CAV DATE	N/A
Uploading Date	06-05-2017
Transmission Date	06-05-2017

