

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.26197 of 2018

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

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Arshad Ahmad, Son of Anwar Ahmad, Secretary, Mother Inter Nation School,
Resident of F.C.I. Road, Phulwarisharif, Police Station- Phulwarisharif, District-
Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Shiv Chandra Singh, Son of late Ram Prasad Singh @ Prakash Singh, Resident
of Village- Prakash Nagar, in front of B.M.P.-16, Phulwarisharif, Police
Station- Phulwarisharif, District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Nivedita Nirvikar, Advocate
For the State : Mr. Jharkhandi Upadhyay, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 31-08-2018

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

2. This application under Section 482 of Code of
Criminal Procedure (for short 'Cr.P.C.') has been filed by the
petitioner for quashing the order dated 10.04.2018 passed by the
learned Additional Sessions judge-X, Patna in Cr. Revision No. 727
of 2017 whereby the petition dated 10.04.2018 filed on behalf of the
petitioner against the order dated 07.09.2017 passed by the learned
Sub-Divisional Magistrate, Sadar, Patna in case no. 1193(M) of 2017
filed under Section 144 Cr.P.C. has been rejected.

3. It is brought to my notice that after the order dated



07.09.2017, the Sub-Divisional Magistrate once again passed the order in exercise of power under Section 144 of Cr.P.C. on 20.02.2018 in the same proceeding.

4. In sum and substance, the petitioner is aggrieved by the order passed by the Sub-Divisional Magistrate, Sadar, Patna in case no. 1193 (M) of 2017 by which a proceeding under Section 144 was initiated.

5. In my considered opinion any order which may have been passed by the learned Magistrate in a proceeding under Section 144 Cr.P.C. either on 07.09.2017 or on 20.02.2018 have lost their force, in view of the specific provision prescribed under clause (4) of Section 144 of the Cr.P.C.

6. In that view of the matter, this application is disposed of.

(Ashwani Kumar Singh, J)

Md.S./-Sanjeev

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	02.09.2018
Transmission Date	02.09.2018

