

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.335 of 2016

Arising Out of PS. Case No.- Year- Thana- District- East Champaran

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Sadrun Nisha @ Sadrun Nesha W/o Nurul Hoda R/o Village and Mohalla -
Janpul Chowk, Ward No. 24, P.S. - Motihari Town, District - East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Dinesh Prasad Sah S/o Ramanand Prasad
3. Munna Prasad S/o Late Bipin Prasad Both Opposite party no. 2 and 3 are residents of Mohalla - Janpul Chowk, P.S. - Motihari Town, District - East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ramakant Yadav
For the Respondent/s : Mr. Atul Chandra(App)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 07-05-2018

I.A. No. 839 of 2016

For the reasons stated in the application the delay of 13 days in preferring the present revision petition is condoned.

The application is allowed.

Criminal Revision No. 335 of 2016

The petitioner is aggrieved by the order dated 05.12.2017 passed in Criminal Appeal No. 127/77 of 2012/015 passed by the learned 7th Additional Sessions Judge, East Champaran, Motihari whereby the prayer made on behalf of the petitioner for initiating a complaint case against the opposite party no. 2/respondent for having violated the prohibitory order,



which was refused by the learned Magistrate, has been upheld and it has been held that there is no requirement of initiating any complaint against the opposite party no. 2.

The prohibitory order was over Plot No. 822. Admittedly, the construction was made on Plot No. 831 which was not covered under the prohibitory order. As such, learned Magistrate dealing with the 144 proceeding did not consider it appropriate to initiate any proceeding against the opposite party no. 2. On the same set of grounds, the appellate court has also refused to pass any order in the appeal by the petitioner.

Since there was no prohibitory order over Plot No. 831 over which construction has been made by opposite party no. 2, both the courts below were justified in not initiating any complaint against him.

There is no merit in this application and therefore the same is dismissed.

(Ashutosh Kumar, J)

Krishna/-
Ved/-

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