

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Revision No.271 of 2016**

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1. Shailendra Singh, son of Late Chhotu Singh  
2. Ram Surat Singh, son of Late Dharam Singh  
3. Ganesh Manjhi, son of Late Ram Prasad Manjhi  
All are resident of Village-Saidpur, Dighwara, P.S.-  
Dighwara, District-Saran

.... .... Petitioner/s

Versus

1. The State of Bihar  
2. Amarjeet Singh, son of Late Shubh Narayan Singh,  
resident of Village-Saidpur, Dighwara, Tola-Bagahi,  
P.S.-Dighwara, District-Saran

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Vijay Kumar Srivastva  
For the Respondent/s : Mr. Dr. Ajeet Kumar(App)

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**  
**ORAL ORDER**

2    20-03-2018            The petitioners have challenged the order dated 01.02.2016 passed by the learned Sub-Divisional Officer, Sonapur in M-357 of 2015 whereby the property in question/dispute has been attached temporarily.

The petitioners are the second party in the proceedings and the learned Magistrate, on finding that there is a situation of emergency, has attached the property.

The present petition is not maintainable as any order passed under Section 146 Cr.P.C is inherently temporary in nature which is evident from the proviso to Section 146 Cr.P.C.

The attachment of a disputed property does not, in



any way, determine the title of the parties and such order can be revoked/withdrawn by the learned Magistrate any time, if he is satisfied that there is no any likelihood of breach of peace with regard to subject of the dispute.

Since the provisions contained in Section 146(1) Cr.P.C is only a step in aid to the pending proceedings with regard to determination of possession, it cannot be treated as a final order.

Hence, the bar of Section 397(2) Cr.P.C operates.

For the aforesaid reason, the present petition is held to be not maintainable.

However, the petitioners, if so advised, shall appear before the Magistrate and file necessary application for disposal of the 145 Cr.P.C proceeding at the earliest. The learned Magistrate shall try to conclude the proceedings at the earliest.

The petition is dismissed as being not maintainable.

**(Ashutosh Kumar, J)**

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