

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.152 of 2019

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

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Ram Narayan Yadav @ Raj Narayan Yadav son of Late Khushi Lal Yadav,
resident of Village - Bikramsher Chhatapur, P.S. Andhra Math, District -
Madhubani.

... .. Petitioner

Versus

1. The State Of Bihar
2. The Sub Divisional Magistrate Phulparas, Madhubani.
3. The Circle Officer, Laukahi, District - Madhubani.
4. The Station House Officer Andhra Math, P. S. Andhra Math, District -
Madhubani.
5. Ram Ekbal Singh son of Yogendra Singh, resident of Village - Bikramsher
Chhatapur, P.S. Andhra Math, District - Madhubani.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Jagnnath Singh, Advocate
For the Respondent/s : Mr.Rishi Raj Sinha

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 28-01-2019

The petitioner is aggrieved by the order dated 09.08.2018 passed in Cr. Rev. No. 1002 of 2017 by the learned Additional Sessions Judge-VI, Madhubani whereby the revision application preferred against the order of the learned Sub-divisional Magistrate, Phulparas passed in a proceeding under Section 144 of the Code of Criminal Procedure (for short 'Cr.P.C') in M.R. No. 722 of 2017 has been dismissed.

2. The contention of the petitioner is that the learned Sub-divisional Magistrate, Phulparas passed the order dated 23.10.2017 in a casual and cavalier manner in a proceeding under



Section 144 of the Cr.P.C. He directed the Circle Officer, Laukahi to demarcate the disputed land by declaring the valid possession of the respondent no. 5. When the said order was challenged before the learned Session Judge, who was exercising the power under Sections 397 & 399 of the Cr.P.C, he also failed to appreciate the illegalities in the order passed by the learned Sub-divisional Magistrate, Phulparas and erroneously dismissed the revision application.

3. *Per contra*, learned counsel appearing for the State submitted that the writ petition is misconceived, as, in the instant case, the petitioner has basically challenged the order dated 23.10.2017 passed by the learned Sub-divisional Magistrate, Phulparas in a proceeding under Section 144 of the Cr.P.C, which has lost its force due to lapse of mandatory period of 60 days as provided under sub-section (4) of Section 144 of the Cr.P.C.

4. I have heard learned counsel for the parties.

5. I find substance in the submission of the learned counsel for the State.

6. Section 144 (4) of the Cr.P.C clearly provides that no order passed under Section 144 of the Cr.P.C shall remain in force for more than two months from the making thereof. Since the



order impugned had lost its force, the revisional court rightly dismissed the revision application.

7. In that view of the matter, I find no substance in the writ petition whereby challenge has been made to the revisional order passed by the learned Additional Session Judge against the order passed by the learned Sub-divisional Magistrate.
8. This writ petition stands dismissed.

(Ashwani Kumar Singh, J)

kanchan/sneha

AFR/NAFR	NAFR
CAV DATE	NA
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