

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.910 of 2017

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

Subash Paswan, Son of Late Ganga Dayal Paswan, Resident of Village-
Patut , Police Station-Rani Talab (Kanpa), District -Patna.

... .. Petitioner/s

Versus

1. and Anr
2. Manoj Paswan, Son of Siraram Paswan, Resident of Village- Patut, Police
Station- Rani Talab (Kanpa), District- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Rajib Ranjan Jha
For the State	:	Mr. Sujit Kumar Singh
For O. P. No. 2	:	NONE

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

4 28-03-2019 Heard learned Counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

In spite of appearance of Opposite Party No. 2, none
appeared on his behalf.

Gone through the impugned order. The impugned
order, dated 06.10.2016, passed by the Sub Divisional
Magistrate, Paliganj, Patna, in connection with Case No. 418
(M) 2016, relates with a proceeding under Section 144 of the
Code of Criminal Procedure, 1973, having caption ‘Manoj
Kumar versus Subash Paswan and Others’.

From the nature of the order, it is evident that the
learned Lower Court had tried to decide the entitlement of the



party, which the learned Lower Court was forbidden in a proceeding under Section 144 of the Code of Criminal Procedure, 1973. Apart from this, the learned Lower Court should have considered that the order of prohibition would be valid only up to 60 days, as provided under Section 144 (4) of the Code of Criminal Procedure, 1973.

That being so, in spite of having lost its identity by efflux of time, the order impugned, on account of deficiency as disclosed hereinabove, would not survive, whereupon quashed.

Accordingly, petition is allowed.

(Aditya Kumar Trivedi, J.)

Prabhakar Anand/-

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