

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.696 of 2015

Arising Out of PS. Case No.- Year-1111 Thana- District-

HARINANDAN SINGH @ HARI NANDAN PRASAD Son of Late Ram
Briksh Singh Resident of Village- Kistipur, Police-Station- Dhanarua, Distt-
Patna.

... .. Petitioner.

Versus

1. The State Of Bihar.
2. Sideshwar Ravidas.
3. Arjun Das.
4. Dineshwar Ravidas.
All sons of late Shobhan Ravidas.
5. Lakshman Ravidas Son of Late Ranglal Mochi.
6. Ram Nandan Mochi Son of Late Rampati Mochi.
All Resident of Village- Kistipur, Police - Station- Dhanarua, Dist- Patna.

... .. Opposite Parties.

Appearance :

For the Petitioner : Mr. Baxi S.R.P. Sinha, Senior Advocate.
Mr. Nawal Kishor Prasad, Advocate.
Mr. Dheeraj Kumar, Advocate.
Mr. Rupesh Kumar, Advocate.
For the State : Mr. Suresh Pd.Singh, A.P.P.
For the O.P. Nos.2 : Mr. Uma Shankar Singh, Advocate.
to 6

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**
ORAL JUDGMENT
Date : 23-08-2019

Heard the parties.

2. This Criminal Revision is directed against the
order dated 10.06.2015 passed in Criminal Revision No.4425 of
2014, whereby and whereunder the learned Additional Sessions
Judge-IV, Patna, set aside the order dated 01.07.2014 passed in
Case No.113 of 1998 {Harinandan Singh Vs. Sobhan Mochi and



others}}, under Section 145 of the Code of Criminal Procedure, by the Executive Magistrate, Masaurhi, Patna, holding the possession of the first party/revisionist/petitioner Harinandan Singh over the disputed land.

3. Learned counsel for the petitioner submits that a proceeding under Section 145 of the Code of Criminal Procedure was initiated, numbered as Case No.113 of 1998, on the basis of the application of the petitioner Harinandan Singh in which the opposite party nos.2 to 6 were the members of the second party. After hearing the parties, the Executive Magistrate, Masaurhi, Patna, hold the possession of the first party/petitioner over the land in dispute vide order dated 01.07.2014. Being aggrieved and dissatisfied by the aforesaid order dated 01.07.2014 passed by the Executive Magistrate, Masaurhi, Patna, in Case No.113 of 1998, the members of the second party filed Criminal Revision No.4425 of 2014, which was allowed though the impugned order dated 10.06.2015 by the learned Additional Sessions Judge-IV, Patna, arriving at the conclusion that there is no sufficient evidence on record to hold that the first party/petitioner is in possession of the disputed land and, accordingly, set aside the order dated 01.07.2014 passed by the Executive Magistrate, Masaurhi, Patna, in Case No.113 of



1998, holding the peaceful possession of the first party/petitioner over the disputed land but the learned Additional Sessions Judge-IV, Patna, neither hold the possession of the second party/opposite party nos.2 to 6 over the disputed land nor remitted the matter to the court of the Executive Magistrate, Masaurhi, Patna, for fresh decision.

4. Learned counsel for the opposite party nos.2 to 6 submits that while the learned Additional Sessions Judge-IV, Patna, in the impugned order, has rightly held that there is no evidence on the record to hold that the first party/petitioner is in possession over the disputed land but the learned Additional Sessions Judge-IV, Patna, did not give any finding regarding the possession of the members of the second party/opposite party nos.2 to 6 over the disputed land nor remitted the case to the Executive Magistrate, Masaurhi, Patna, for fresh consideration.

5. The impugned order dated 10.06.2015 passed in Criminal Revision No.4425 of 2014 goes to show that while the learned Additional Sessions Judge-IV, Patna, has held that there is no evidence on the record to hold that the first party/petitioner is in possession over the disputed land but the learned Additional Sessions Judge-IV, Patna, did not give any finding regarding the possession of the members of the second



party/opposite party nos.2 to 6 over the disputed land nor remitted the case to the Executive Magistrate, Masaurhi, Patna, for fresh consideration.

6. Accordingly, impugned order dated 10.06.2015 passed in Criminal Revision No.4425 of 2014 by the learned Additional Sessions Judge-IV, Patna, is set aside, with a direction to the learned Additional Sessions Judge-IV, Patna, for passing the order afresh in accordance with law in the said case.

7. This criminal revision is, accordingly, allowed.

(Rajendra Kumar Mishra, J)

Pradeep Srivastava/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.08.2019.
Transmission Date	26.08.2019.

