

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.49440 of 2007

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Birendra Singh, son of late Satrudhan Singh, resident of village Bishunpur Gobind
alias Gautiniya, P.S. Karja, District Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar
2. Channa Mahto, son of late Nirsu Mahto, resident of village Bishunpur Gobind
alias Gautiniya, P.S. Karja, District Muzaffarpur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nandan Prasad Singh, Advocate
Mr. Surendra Prasad Singh, Advocate
For the State : Mr. Binod Kumar, A.P.P.
For Opposite Party No.2: Ms. Anjana Mishra, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 20-08-2013

Learned Counsel for the Petitioner submits that the matter is
still pending and hence this Court disposes of the matter on merits.

The Petitioner seeks quashing of the entire proceeding
including the order of cognizance dated 20.11.2004 passed by the
Judicial Magistrate, 1st class, Muzaffarpur in G.R. No.327 of 2004
(Trial No.2314 of 2007) arising out of Karja P.S. case No.28 of 2004.

The case of the Informant is that he purchased a certain piece
of land from the Petitioner on payment of money. He came in
peaceful possession over the same. However, subsequently he found
out that the same piece of land had been sold by the Petitioner to some
other persons. So he vacated the land and instituted the present case.

The submission of the Petitioner is that earlier the Petitioner



had filed a Complaint against the Complainant vide Complaint case No.3025 of 2003 on 20.12.2003 and it appears that as a counter blast the present case has been filed by the Complainant so as to lay his claim upon the land which is now under ownership of another.

Considering the various aspects of the case and the background facts, the application is allowed and the entire proceeding including the order dated 20.11.2004 passed by the Judicial Magistrate, 1st class, Muzaffarpur in G.R. No.327 of 2004 (Trial No.2314 of 2007) arising out of Karja P.S. case No.28 of 2004 is hereby set aside.

(Anjana Prakash, J)

NAFR/Narendra/-