IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.997 of 2018

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

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ARUN KUMAR SINGH @ ARUN KUMAR SINHA, S/o Late Girja Nandan Singh. Resident of Village - Miyachank, P.S. Dhanarua, District - Patna.

... ... Petitioner/s

Versus

1. State Of Bihar
2. Nikesh Prasad, Son of Late Singheshwar Prasad. Resident of Amrapali, Bhoot Nath Road, Near Nalanda Medical College and Hospital, P.S. Agam Kuan, Town and District - Patna.

... ... Respondent/s

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Appearance :
For the Petitioner/s : Mr.D.K.Sinha, Senior Advocate
Mr.Abhinay Raj, Advocate
For the Respondent/s : Mr.Sir Pawan Kumar Chaurasiya, APP-117

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL ORDER

5 07-05-2019 Heard learned counsel for the parties.

This criminal revision has been preferred under Sections 397 and 401 of the Code of Criminal Procedure, against the order dated 21.06.2018, passed by the learned Sub-Divisional Judicial Magistrate, Patna City in Miscellaneous Case No.77 of 2018, whereby the learned court below has dropped the proceeding under Section 144 of the Code of Criminal Procedure.

Grievance of the petitioner is that the petitioner had already filed a petition to convert the said proceeding into a proceeding under Section 145 of the Code of Criminal Procedure, as the apprehension of breach of peace was for

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dispute relating to possession over the land and such dispute cannot be decided in a proceeding under Section 144 of the Code of Criminal Procedure.

The impugned order as well as the impugned proceeding has lost its force after expiry of statutory period of two months. Hence, this criminal revision is infructuous now.

However, petitioner would be at liberty to file a petition under Section 145 of the Code of Criminal Procedure, if the situation so demands and the court below shall pass necessary order, according to law.

Accordingly, this criminal revision stands disposed of.

(Birendra Kumar, J)

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