

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53437 of 2019

Arising Out of PS. Case No.- Year-0 Thana- District- Darbhanga

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KRISHNA KUMAR SINGH S/o Late Manrup Singh R/o Village/Mohalla-
Saketpur, P.S.- Saketpur, District- Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar
2. Parsuram Singh S/o Manrup Singh R/o Village/Mohalla- Saketpur, P.S.-
Saketpur, District- Darbhanga

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vinay Kumar Mishra

For the Opposite Party/s : Mr.Jharkhandi Upadhyay

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 24-01-2020 This application has been filed for quashing of the order dated 06.04.2019 passed by the learned Additional Sessions Judge -II, Darbhanga in Criminal Revision No. 382/2017, by which, he has dismissed the revision petition filed by the petitioner against the order dated 23.10.2017 passed by the Executive Officer, Sadar, Darbhanga in M.R. Case No. 539/2005, by which, the petition filed by opposite party no. 2 in a proceeding under Section 147 Cr.P.C. has been allowed.

Submission of learned counsel for the petitioner is that in the proceeding under Section 147 Cr.P.C., earlier from a report of the Block Development Officer, there was no apprehension of breach of peace with respect to land in dispute rather the opposite party no. 2 has filed amendment petition for including some more plots in the



case i.e. Plot no. 599 and the said amendment petition has been allowed without considering the fact there was no apprehension of breach of the peace with respect to plot earlier mentioned i.e. plot no. 600 and the learned learned Additional Sessions Judge -II, Darbhanga also, without considering the aforesaid facts has dismissed the Criminal Revision No. 382/2017 filed by the petitioner.

Learned counsel appearing on behalf of the State has opposed this application on the ground that petitioner has already availed an opportunity by filing Criminal Revision No. 382/2017 against the order passed by Executive Officer, Sadar, Darbhanga in M.R. Case No. 539/2005 and the present quashing application amounts to second revision.

Considering the facts and circumstances and also the fact that petitioner has already availed the opportunity before the Sessions Judge by filing Criminal Revision No. 382/2017 against the order passed by the Executive Officer, Sadar, Darbhanga in M.R. Case No. 539/2005. Further, there does not appear to be an abuse of process of the Court or any non consideration of provisions of law, as such, I find no merit in the present application and the same is accordingly dismissed.

(Vinod Kumar Sinha, J)

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