

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL REVISION No.627 of 2017**

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

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1. Mahabir Mahto Son of Late Ramjee Mahto.  
2. Ramakant Mahto Son of Ram Swarath Mahto,  
Both are Resident of Village- Pakari, P.S.- Birpur, District- Begusarai.  
... .. Petitioner/s

Versus

1. The State of Bihar.  
2. Hare Ram Mahto, Son of late Natho Mahto.  
3. Sravan Kumar Mahto, Son of Late Ram Bilash Mahto.  
4. Ram Ashish Mahto, Son of Late Bal Govind Mahto.  
5. Baleshwar Mahto, Son of Late Ramdeo Mahto.  
6. Ram Naresh Mahto, Son of Late Ramdeo Mahto.  
7. Ganeshi Mahto, Son of Ghuran Mahto.  
8. Anandi Mahto, Son of Ghuran Mahto.  
9. Sone Lal Mahto, Son of Late Natho Mahto.  
10. Haro Mahto, Son of Late Natho Mahto.  
11. Ganeshi Mahto, Son of Late Paltan Mahto,  
All are Resident of Village- Kusal Tol, Vawanandpur, P.S.- Veerpur, District-  
Begusarai.  
... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Shailendra Kumar, Adv.  
For the Respondent/s : Mr. Jagdhar Prasad, APP.

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**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL JUDGMENT**

**Date : 23-03-2023**

Heard learned counsel for the petitioner and  
learned counsel for the State.

The present Cr. Revision Application has been filed  
against the order dated 27.01.2017 passed by Additional  
Sessions Judge-7<sup>th</sup>, Begusarai in Criminal Revision No. 118 of  
2016 by which the order dated 28.12.2015 passed by S.D.M.,  
Begusarai in Case No. 277 of 2015 has been approved

converting proceeding under Section 107 of Cr.P.C. into 145 of Cr.P.C.

Learned counsel for the petitioner has raised a very pertinent question here that proceeding under Section 107 of Cr.P.C. cannot be converted into Section 145 of Cr.P.C. due to the reason that genesis of Section 107 of Cr.P.C. and Section 145 of Cr.P.C. are different. Section 107 of Cr.P.C. use to be initiated against the individual from whose behalf there is apprehension of breach of peace whereas question of Section 145 of Cr.P.C. are relating to the land other than individual where there is question of apprehension of breach of peace, as well as question of possession.

So far as technicalities are concerned the application for conversion of proceeding was filed before S.D.M. by the private party (not by the petitioners) which was allowed and the Court of S.D.M. has directed to initiate proceeding under Section 145 of Cr.P.C. Being aggrieved and dissatisfied by the said order passed by S.D.M., the petitioners have preferred Criminal Revision No. 118 of 2016 before the Additional Sessions Judge-7<sup>th</sup>, Begusarai who has dismissed his criminal revision vide order dated 27.01.2017. After dismissal of revision, the present petitioner have preferred Criminal

Revision before this Hon’ble Court bearing Criminal Revision No. 627 of 2017.

It is well settled that right to revision has been vested in the party once and in one criminal proceedings. Here in the present case, the petitioner has raised two criminal revisions which is impermissible in law.

In this view of the matter, the present Criminal Revision No. 627 of 2017 are not maintainable. This issue has already been decided by Special Bench of Hon’ble Three Judges in the case of *Surendra Singh and others Vs. State of Bihar and others 1990 (2) PLJR 693*.

In this view of the matter the petitioner has no case and his criminal revision is hereby dismissed but according to the said judgment he has remedy under Cr.W.J.C.

With this observation, the present Cr. Revision Application stands dismissed.

(Dr. Anshuman, J.)

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