

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.841 of 2017

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

1. Babloo Singh son of Late Ram Sumer Singh
 2. Rinku Singh son of Late Ram Sumer Singh
 3. Viccki Singh son of Satyendra Singh
 4. Ram Pukar Singh son of Late Kishuni Singh
 5. Munna @ Ravindra Singh son of Ram Pukar Singh
 6. Satyendra Singh son of Late Ram Sumer Singh
- All are residents of Village and Post Office - Karma, Police Station -
Suryapura, District - Rohtas.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Osho Sidharth Foundation L - 125 Sector - 02 P.S.I. D.C. Industrial Area
Bhawan, Delhi through Mana son of Upit Lal Singh Resident of Mohalla -
Lalbag, Police Station - Tilkamanjhi, District - Bhagalpur Bihar at present
resident of Village and Post Office - Karma Ashram, Police Station -
Suryapura, District - Rohtas.

... .. Respondent/s

with
CRIMINAL MISCELLANEOUS No. 62410 of 2017
In
CRIMINAL REVISION No.841 of 2017

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Suryapura, District - Rohtas.

... .. Opposite Party/s

Appearance :

(In CRIMINAL REVISION No. 841 of 2017)

For the Petitioner/s : Mr. Surendra Kumar Mishra, Adv.
For the Respondent/s : Mr. Shashi Shekhar Dvivedi, Sr. Adv.
Mr. Parth Gaurav, Adv.
Mr. Ashutosh Kumar Pandey, Adv.

(In CRIMINAL MISCELLANEOUS No. 62410 of 2017)

For the Petitioner/s : Mr. Surendra Kumar Mishra, Adv.
For the Opposite Party/s : Mr. Shashi Shekhar Dvivedi, Sr. Adv.
Mr. Parth Gaurav, Adv.
Mr. Ashutosh Kumar Pandey, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 25-04-2023

Heard learned counsel for the petitioners, learned
counsel for the State and learned counsel for the opposite party.

The present criminal revision application has been
filed on behalf of the petitioners for setting aside the order dated
18.11.2016 passed by the S.D.M., Bikramganj, District- Rohtas
in Case No. 593 of 2016 by which the Court of S.D.M.,
Bikramganj, District- Rohtas have converted the proceedings
under Section 144 of Cr.P.C. into Section 145 of Cr.P.C.

Counsel for the petitioners submit that the said
order is bad in law, due to the reason that for the land in dispute,
there is already a title suit pending, bearing Title Suit No. 223 of
2016 which was filed on 23.09.2016 *i.e.* prior to decision of the
case dated 18.11.2016.

Counsel for the petitioners submit that in this view of the matter that a title suit is already pending for dispute, the continuation of proceedings under Section 145 of Cr.P.C. is bad in law.

Counsel for the State submits that the proceedings of Section 144 of Cr.P.C. was initiated and thereafter, it was converted into Section 145 of Cr.P.C. that power is vested in the Court of law.

Counsel for the private opposite party submits that the plaint of title suit is annexed as Annexure-8 *i.e.* T.S. No. 223 of 2016 in which no relief for possession of the property or entitlement of possession of the property have been made, as such the suit shall not disturb in any manner relating to the question of possession.

After going through the pleadings of the parties and upon hearing the arguments, it transpires to this Court that the arguments of petitioners are correct that during pendency of the title suit, the proceedings under Section 145 of Cr.P.C. may not continue but it is permissible only when the question of possession shall be subject of the title suit.

Here in the present case, the question of possession is not the subject of the title suit and in this view of the matter,

this Court is of the opinion that continuation of Section 145 of Cr.P.C. is not barred, as the fact of actual possession has to be decided.

In this view of the matter, the present criminal revision application stands dismissed.

(Dr. Anshuman, J.)

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CAV DATE	
Uploading Date	
Transmission Date	