

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.718 of 2017

Arising Out of PS. Case No.-592 Year-2017 Thana- AURANGABAD COMPLAINT CASE
District- Aurangabad

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Pawan Kumar Gupta Son of Kailash Prasad Gupta, Resident of Village-
Khiriyanwa, P.S.- Salaiya, District- Aurangabad.

... .. Petitioner/s

Versus

1. State Of Bihar.
2. Meena Kumari W/o Uday Yadav @ Ram Bachan Yadav, Resident of Village
and P.O.and P.S,-Salaiya District- Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr .Bindeshwar Prasad Singh, Adv.
For the Respondent/s : Mr. Sri Anish Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 24-03-2023 The present Cr. Revision application has been filed

against the order dated 26.05.2017, passed by Sub Divisional

Magistrate, Aurangabad in case no. 592 of 2017, under section

144 of the Cr.P.C., in which the Court of S.D.M. has decided

title of possession, without converting under Section 145 of the

Cr.P.C. in favour of O.P. No. 2.

Counsel for the State submits that the life of order

under Section 144 of the Cr.P.C. is only 60 days, as such the

order became infructuous and there is no necessity to challenge

the order anywhere.

Upon going through the order-sheet passed under 164

of the Cr.P.C., the S.D.M. has given his finding that it appears to

him that first party is in full possession of the land, since the day of its purchase and thereafter directed that for a permanent solution, the party should go to the competent Court.

With this finding, proceeding under Section 144 of the Cr.P.C. has been withdrawn.

This Court is of the view that Section 144 of the Cr.P.C. is operative only for 60 days. As such, this case has become infructuous and it is directed that observation made by the S.D.M., Aurangabaad in case no. 592 of 2017 under section 144 of the Cr.P.C., shall be of no value in the eye of law before any Court.

(Dr. Anshuman, J.)

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