

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.919 of 2016

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

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1. Ranjan Kumar Singh S/o Late Ram Nandan Singh, R/o Ward No. 11, Bahrapur, Naipur, P.S- Bachhwara, Distt.- Begusarai.
 2. Anuradha Devi D/o Late Ram Nandan Singh and W/o Ashok Singh, R/o Ward No. 11, Bahrapur, Naipur, P.S- Bachhwara, Distt.- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Ravi Nandan Singh Son of Late Rameshwar Singh, resident of Village Naipur, P.S. Bachhwara, District- Begusarai.
3. Nityanand Singh.
4. Shailendra Singh both sons of Ram Nandan Singh.
5. Ram Ekbal Singh.
6. Hira Singh, both sons of Late Rameshwar Singh, All residents of Village Naipur P.S. Bachhwara, District- Begusarai.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shyameshwar Dayal, Adv.
	:	Mr. Gaurav Kumar Sinha, Adv.
For the State	:	Mr. Sri Tarun Prasad Mandal
For the O.P. 1 st Set	:	Mr. Krishna Prasad Singh, Sr. Adv.
	:	Ms. Sakshi Deep, Adv.
For the O.P. 2 nd Set	:	Mr. Daya Shankar Prasad Sinha, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 13-04-2023

Heard learned counsel for the petitioner and learned counsel for the State as well as learned counsel for the opposite parties.

The present Cr. Revision Application has been filed against the order dated 20.02.2016 passed by Sub-Divisional Magistrate, Teghra, District Begusarai in Case No.



99-M of 2000, by which, the possession of first party-opposite party no.2 in respect of land in proceeding has been declared in a proceeding under Section 145 of Cr.P.C. without considering the case in the right perspective.

Learned counsel for the petitioner submits that the opposite party No.2 was the first party before the S.D.M. and on whose application the proceeding under Section 144 of Cr.P.C. was started and subsequently converted into proceeding under Section 145 of Cr.P.C. He further submits that there is a first order dated 03.12.2003 under Section 145 of Cr.P.C., petitioner moved in Cr. Revision No. 36 of 2004 but it was decided against him and the order was affirmed in Cr. Revision No. 36 of 2004 in favour of present opposite party No. 2. He also submits that being aggrieved and dissatisfied by the said order, the petitioner had preferred Cr. Misc. No. 34837 of 2005 before this Hon'ble Court and upon hearing the parties this Court was pleased to set-aside the order dated 30.07.2005 passed in Cr. Revision No. 36 of 2004 as well as order dated 03.12.2003 passed by S.D.M. Teghra in Case No. 99-M of 2000. Both the orders were quashed and the matter was remanded back to S.D.M. Teghra for deciding the proceeding under Section 145 of Cr.P.C. afresh in accordance with law



giving opportunity for filing written statement and opportunity to the authorities for hearing. It was also directed that the said case has to be decided within three months from the date of receiving of this order. Learned counsel further submits that the petitioner has started doing *pairvi* but proceeding could not be concluded and for some period he become ill during the said period. The final order has been passed in the said proceeding under Section 145 of Cr.P.C. vide order dated 20.02.2016 in favour of opposite party No.2. He also submits that entire document relating to title are in favour of petitioner. He further submits that from the impugned order, it transpires that the court of S.D.M. has not looked the papers which are in favour of petitioner and decided this case in favour of opposite party No.2.

Learned counsel for the opposite party submits that from the pleading of the case, it transpires that the present petitioner has moved earlier before this Hon'ble Court in Cr. Revision No. 36 of 2004 and subsequently in Cr. Misc. No. 34837 of 2005. The said Cr. Misc. was allowed in favour of petitioner and matter was remanded back with a direction to conclude the entire things within three months. He further submits that upon remand when fresh hearing started, then the



S.D.M. has passed fresh order under Section 145 of Cr.P.C. again in favour of opposite party No.2 vide order dated 20.02.2016 and the possession of opposite party No. 2 has been declared on the said land.

After going through the pleadings and hearing the parties as well as the position of law, so far as Section 145 of Cr.P.C. proceeding is concerned, it is well settled that question of possession has to be decided under Section 145 of Cr.P.C. and there is no need of discussion in title or any documents relating to title, the question of possession has to be decided only, which has been decided. Being aggrieved and dissatisfied with the said order, the petitioner has filed a criminal revision before this Court but it transpires to this Court that even with an order passed in favour of petitioner by this Court he could not succeed to contest the case properly before the court of S.D.M. and court of S.D.M. Teghra, Begusarai has decided this case considering the merit of the case.

In this view of the matter, this Court feels that there is no need of any interference in the order dated 20.02.2016 passed by Sub-Divisional Magistrate, Teghra, District Begusarai in Case No. 99-M of 2000 and, as such, the present Cr. Revision Application stands **dismissed** and the



order dated 20.02.2016 passed by Sub-Divisional Magistrate,
Teghra, District Begusarai in Case No. 99-M of 2000 is hereby
affirmed.

(Dr. Anshuman, J.)

Ritik/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

