

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54952 of 2018

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

-
1. Sonu Kumar Yadav @ Sonu Kumar and Ors S/o Wakil Yadav null
 2. Adhiklal Yadav S/o Late Singheshwar Yadav
 3. Ashok Yadav, S/o Late Singheshwar Yadav
 4. Birju Yadav, S/o Ishwari Yadav, All Resident of Village- Makwa, P.S.- Asarganj, District- Munger.

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Sumitra Devi, W/o Late Singheshwar Pd. Yadav @ Singh Yadav, Resident of Village- Makwa, P.S.- Asarganj, District- Munger.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ram Sevak Choudhary, Advocate
		Ms. Puja Kumari, Advocate
For the Opposite Party/s	:	Sri Rajendra Singh Shastriji, APP

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

2 14-08-2024 This is an application under Section 482 of the Cr.P.C. assailing an order dated 7th June, 2018 passed by the learned Additional Sessions Judge, II Court at Munger in Criminal Revision No. 23 of 2017 whereby and whereunder the learned Additional Sessions Judge was pleased to set aside the order dated 19th December, 2016 passed by the learned Sub-Divisional Officer in Case No. 225 of 2010 being a proceeding under Section 147 of the Cr.P.C. filed by the petitioner herein.

2. It is submitted by the learned Advocate for the petitioners that the learned Additional Sessions Judge wrongly



considered the sale deed of the opposite party. While deciding the revisional application, the sale deed cannot be looked into in a proceeding under Section 147 of the Cr.P.C. Moreover, the learned Additional Sessions Judge did not consider the evidence adduced by the witnesses in the proceeding under Section 147 of the Cr.P.C. who stated on oath that the opposite party member has a space for running his drainage system through the southern side of the property in proceeding.

3. This Court cannot look into the evidence of the contesting parties under Section 482 of the Cr.P.C. If the petitioner has actually grievance against the order passed by the revisional Court, he could have filed a suit for declaration and injunction. Since the scope of Section 482 of the Cr.P.C. does not empower, this Court to assess the evidence on record, I am not in a position to grant any relief in the instant criminal miscellaneous case accordingly, the miscellaneous case is dismissed on contest.

(Bibek Chaudhuri, J)

Guddu/-

U		T	
---	--	---	--

