

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54288 of 2018

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

Smt. Sita Devi Wife of Sri Ashok Kumar, Resident of Mohalla- Digha Bankey
Bihari Flour Mill, P.O.- Digha Ghat, P.S.- Digha, Dist- Patna.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Lalkeshwar Prasad Singh @ Laleshwar Prasad Singh, Son of Sri Lagandeo Singh, Resident of Mohalla- Digha Bankey Bihari Flour Mill, P.O.- Digha Ghat, P.S.- Digha, Dist- Patna, Pin Code- 800011.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Nityanand, Advocate
For the Opposite Party/s	:	Mr. Mithilesh Kumar Upadhyay, Advocate
For the State	:	Mr. Sunil Kr. Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

2 20-07-2024 This application under Section 482 of the CrPC, praying for quashing the order dated 22nd February 2018 passed in Case No. 2308 (M)/2017, under Section 144 of the CrPC. It is submitted by the learned Advocate for the petitioner that though the order under Section 144 of the CrPC remains in force for 60 days only, the nature of the impugned order seems to be permanent as he decided to issue a title and possession in a proceeding under Section 144 of the CrPC.

2. The instant miscellaneous case is disposed of holding, *inter alia*, that the impugned order is *non est* as a result of efflux of time. Moreover, the executive Magistrate cannot pass any order stating title and possession of any party over the



disputed land.

3. As the impugned order does not have any force at present, the instant application under Section 482 of the CrPC is disposed of holding, *inter alia*, that the impugned order dated 22.02.2018, becomes *non est* as a result of efflux of time.

(Bibek Chaudhuri, J)

Suraj Dubey/-

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