

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72318 of 2018

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

Patna Branch A. G. Office Housing Co -operative Society L.t. D. Patna Son of
Late Budham Mahto, Resident of A/78, A.G. Colony, P.S.- Shastri Nagar,
Distt- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Kavita Kumari, Wife of Prabhat Ranjan,
3. Prabhat Ranjan, Son of Rajendra Prasad, Both Resident of 303, Aparajita
Keshav Kunj, Shanti Vihar Lane, Frazer Road, in front of Rajsthan Hotel,
P.S.- Kotwali, District- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar Pandit, Advocate
For the Opposite Party/s : Mr. Nawal Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

2 14-08-2024 This is an application under Section 482 of the Cr.P.C.

praying for quashing of an order passed by the learned Sessions

Judge, Patna in Criminal Revision Case No. 516 of 2017.

2. Suffice it to mention that the above mentioned
revisional application was filed by the petitioner herein,
assailing an order passed in a proceeding under Section 144 of
the Cr.P.C. being Case No.551(M) of 2017 by the learned Sub-
Divisional Magistrate, Patna whereby the learned Magistrate
passed an order issuing prohibitory order against the second
party (revisionist) absolute.

3. On perusal of the impugned order, I find that the



learned Sessions Judge, Patna came to a correct decision that after the expiry of 60 days the force of the order under Section 144(2) of the Cr.P.C. has lost its force. Therefore, while dismissing the revisional application he confirmed the impugned order.

4. In my opinion, the word confirmed was introduced in the order out of typographical mistake or inadvertent error. When a revisional application is dismissed, the impugned order is liable to be set aside.

5. Thus, I hold that the order dated 10.06.2017 passed by the learned Sub Divisional Magistrate, Patna is set aside.

6. I am also not inclined to confirm any further direction passed by the learned Sessions Judge, Patna. It is for the parties to the lis to take decision regarding establishment of their right over the property. The Court cannot take as an advisory agent of the parties.

7. With the above observation, the instant Cr. Misc. Case is disposed of.

(Bibek Chaudhuri, J)

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