

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1332 of 2018

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

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Srikant Sharma, S/o Dina Nath Sharma, resident of village- Jagarnathpur,
Police Station- Gopalpur, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Uma Shankar Sharma.
3. Gauri Shankar Sharma.
4. Jata Shankar Sharma.

All 2 to 3 are sons of Late Kanhaiya Sharma, resident of Village- Sanhula,
Police Station- Gopalpur, District- Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Javed Aslam, Adv.
For the Respondent/s : Mr. Iftekhar Mahmood, APP

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

5 31-01-2024 Heard learned Advocate for the petitioner as well as

learned APP for the State.

2. It is submitted by the learned Advocate for the petitioner that the opposite party nos. 2 to 4 filed a revision before the learned Additional Sessions Judge-Vth, Gopalganj being Criminal Revision No. 957 of 2013, assailing an order dated 31st July, 2013, passed in Miscellaneous Case No. 3103 of 2012, under Section 146(1) of the Cr.P.C. without impleading the petitioner, who is practically aggrieved by the order passed in Criminal Revision No. 957 of 2013 on 13th September, 2018.

3. It is peculiar to note that Section 145 and all other



subsequent Sections in Chapter-10 of the Cr.P.C. with the heading maintenance of public order and tranquility emanates from the proceeding under Section 144 of the Cr.P.C. While Section 144 of the Cr.P.C. speaks about a preventive action in urgent cases of nuisance or apprehended danger, Section 145 deals with the procedure where dispute to concerning land and water which is likely to cause breach. If any order under Section 144 of Section 145 of the Cr.P.C. is passed by the learned Sub Divisional Magistrate is violated, power is granted upon the Executive Magistrate to attach the subject property and to appoint receiver. All such action relates to maintenance of public peace and tranquility.

4. The dispute relating to landed property or water is required to be finally settled by the civil court by a decree. However, it is rampant through out the Country that in order to get immediate relief the parties take resort to the relevant provisions in Chapter-10 of the Cr.P.C.

5. Now the question that arises here that when the main order under Section 144 of the Cr.P.C. is directed to remain in force for 60 days, how an order under Sections 145, 146 or 147 of the Cr.P.C. shall continue for a longer period.

6. In the instant case dispute between the parties



started sometimes in 2012. Order under Section 146(1) of the Cr.P.C. was passed on 31st July, 2013. On the date of the order passed by the revisional court which is impugned here, the original order had lost its force. Therefore, the order passed in revision became infructuous.

7. In view of what has been stated above the impugned order dated 13th September, 2018, passed in Criminal Revision No. 957 of 2013 is set aside.

8. The instant revision is allowed.

(Bibek Chaudhuri, J)

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