

# **IN THE COURT OF SESSIONS JUDGE**

**Buxar, Bihar 802101  
Distt. - Buxar, BIHAR.**

**Criminal Revision No. 112 of 2024  
[Arising out of Case No 661 (M)2024]**

**Present: Kajal Jhamb,  
Sessions Judge, Buxar.**

**Datatrav Pathak, S/o Late Nandlal Pathak**

**R/o Ithdhiya, Police Station- Dhansoi, District- Buxar**

**.....The Revisionist**

**versus**

**1. State of Bihar**

**2. Kanhaiya Pathak, S/o Late Rameshwar Pathak**

**R/o Ithdhiya, Police Station- Dhansoi, District- Buxar**

**.....The Opposite Parties**

**Learned Counsel for Revisionist : Sri Shiv Shankar Dubey, Ld. Adv.**

**Learned Counsel for the O.P. No. 2 : Sri Shashikant Upadhyay, Ld. Adv.**

**Date of Order: 28<sup>th</sup> July, 2026**

## **ORDER**

The present Criminal Revision petition has been filed u/s.- 440 of B.N.S.S against the impugned order dated 23.08.2024 passed by the Court of Learned S.D.M., Buxar in Case No. 661(M)2024 titled “Kanhaiya Pathak vs Vimla Devi & Others. By passing the impugned order, the Learned Court below restrained the parties from committing any overt act which may lead to breach of peace on the disputed land till further order and directed them to file their show cause as to why the injunction issued against either party should not be confirmed. Aggrieved by the order, the revisionist Datatrav Pathak has filed the present revision petition.

Brief facts of the case are that O.P. No. 2 Kanhaiya Pathak filed a petition in the Court of learned S.D.M. Buxar stating therein that he received a decree of land from Ramadhar Pathak on the basis of compromise in Lok Adalat on 10.10.2007. The said land is in his possession and the Opposite Party (Revisionist) want to forcibly grab the said

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land. Hence he prayed to initiate proceeding u/s 163 B.N.S.S against Opposite Party(Revisionist). On basis of his petition, the learned Court below restrained the parties from committing any overt act which may lead to breach of peace on the disputed land till further order and directed them to file their show cause as to why the injunction issued against either party should not be confirmed. The order has been challenged in the instant revision petition.

The contention of the Revisionist is that the order passed by the Learned Court below is neither in accordance with law nor in accordance with the facts of the case. The learned Court passed the impugned order without calling any report from concerned P.S. or C.O of Rajpur. It did not call for any rent receipt or any paper from O.P. no. 2. A case has already been lodged to cancel the decree which was prepared on the basis of compromise. The O.P. No. 2 lost the case of mutation from the Block Officer, Rajpur to Bihar Land Tribunal, Patna. As the order passed by the court is arbitrary and illegal, it deserves to be set aside.

Ld. P.P. for the State opposed this criminal revision stating that there is no visible illegality or irregularity in the impugned order passed by the Ld. court below. The order is a reasoned order and has been passed on the basis of the material available on record. Further, two months have already passed since the passage of the impugned order and the order has already become inoperative. Hence the present Criminal Revision is liable to be dismissed.

Learned Counsel for O.P. No. 2 opposed this criminal revision and submitted that the impugned order is correct and in accordance with law. There is a land dispute going on and there is possibility of breach of peace.

The main point to consider in present Criminal Revision is whether order dated 23.08.2024 passed by learned S.D.M, Buxar in Case No. 661(M)2024 is liable to be quashed or not?

Heard learned Counsels of both the parties and perused the record. The petition dated 09.08.2024 of Kanhaiya Pathak (O.P. No. 2) filed before the S.D.M. Buxar is available on record. On the basis of this petition itself, the learned S.D.M. Buxar passed the impugned order and restrained the parties from committing any overt act which may lead to breach of peace on the disputed land and directed them to file their show cause as

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to why the injunction issued against either party should not be confirmed. The order has been passed u/s 163 BNSS

Section 163(4) of BNSS provides,

“No order under this section shall remain in force for more than two months from the making thereof”

In the light of the legal provision, the order of the Learned Court below which is under consideration, is not in force anymore.

Accordingly, the present Criminal Revision is hereby **disposed off**.

The office is directed to send a copy of this order along with LCR if any to the Ld. Court below and consign the record of the case to the record room.

**Dictated and corrected by me**

**Sd/- Kajal Jhamb**  
**Sessions Judge, Buxar**  
**Dated 28.07.2026**

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**Sessions Judge, Buxar**  
**Dated 28.07.2026**

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| <b>Date of reserving order</b> | <b>20.07.2026</b>                       |
| <b>Date of Order</b>           | <b>28.07.2026</b>                       |
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