

In the Court of Sessions Judge, East Champaran at Motihari

Criminal Revision No. 132 of 2024

[Against the impugned order dated 09-04-2024, passed by the Court of Sub-Divisional Magistrate, Chakia, East Champaran in Case No.33-M of 2024.]

1. Randhir Kumar, S/o- Late Shreekant Prasad, aged about 50 years,
Resident of village- Naya Gaon, P.S.- Kesariya,
District- East Champaran -----Petitioner/Revisionist.
Versus

1. State of Bihar
2. Mohan Rai, S/o- Rekha Rai, aged about 50 years,
3. Ashok Kumar Yadav, S/o- Pramod Rai, aged about 40 years
4. Chinta Devi, W/o- Pramod Rai, aged about 45 years,
All resident of village- Benipur, P.S.- Kesariya, District- East
Champaran.

-----Opposite Parties

Motihari, dated 15th June, 2026.

Present:-

Abhishek K. Das
Sessions Judge,
East Champaran at Motihari.

O R D E R

15-06-2026

1. The present Criminal Revision has been preferred by the petitioner/ revisionist against the impugned order dated 09-04-2024, passed by the Court of Sub-Divisional Magistrate, Chakia, East Champaran, in Case No. 33-M of 2024 (Randhir Kumar Vs. Mohan Rai and others), whereby and whereunder the learned Lower Court dropped the proceeding of Section 144 of the Code of Criminal Procedure (hereinafter 'Cr.P.C.').

2. Before the learned Court below, the petitioner/revisionist was first party and O.P. No.2 to 4 were members of second party.

3. The impugned order has been assailed by the petitioner on the ground that the impugned order dated 09-04-2024 passed by the learned Sub-Divisional Magistrate, Chakia, East Champaran is quite mechanical and not serve the purpose of Section 144 Cr.P.C. The learned Court below ought to have considered the report of local police for immediate prevention and abstain the parties on disputed land, but there is no such type of order was

passed. The learned Court below is not empowered by law to declare title and possession. The learned court below has erred in holding title and possession. The impugned order is improper and fit to be set aside.

4. Admittedly, this revision petition is against the final order passed by the Court of learned Sub-divisional Magistrate, Chakia dated 09-04-2024 in case No.33-M/2024. That case was initiated by the Court of Sub-Divisional Magistrate upon the police report of SHO Kesariya Police Station in Non-cognizable Report No.04/2024 dated 23-01-2024. The proceeding u/s 144 Cr.P.C. was initiated when notice was issued. The proceeding of Section 144 Cr.P.C. was dropped by the learned Magistrate vide its order dated 09-04-2024. This criminal revision has been filed within time.

5. Section 144 Cr.P.C. is in Chapter X of the Cr.P.C. and this chapter relates to maintenance of law and order and tranquility. This Section specially deals with cases of nuisance and apprehended danger. The Section 144 Cr.P.C. is as under:

“Section 144 Cr.P.C.

(1) In cases where, in the opinion of a District Magistrate, a Sub-divisional Magistrate or any other Executive Magistrate specially empowered by the State Government in this behalf, there is sufficient ground for proceeding under this section and immediate prevention or speedy remedy is desirable, such Magistrate may, by a written order stating the material facts of the case and served in the manner provided by section 134, direct any person to abstain from a certain act or to take certain order with respect to certain property in his possession or under his management, if such Magistrate considers that such direction is likely to prevent, or tends to prevent, obstruction, annoyance or injury to any person lawfully employed, or danger to human life, health or safety or a disturbance of the public tranquillity, or a riot, or an affray.

(2) An order under this section may, in cases of emergency or in cases where the circumstances do not admit of the serving in due time of a notice upon the person against whom the order is directed, be passed ex parte.

(3) An order under this section may be directed to a particular individual, or to persons residing in a particular place or area, or to the public generally when frequenting or visiting a particular place or area.

(4) No order under this section shall remain in force for more than two months from the making thereof:

Provided that, if the State Government considers it necessary so to do for preventing danger to human life, health or safety or for preventing a riot or any affray, it may, by notification, direct that an order made by a Magistrate under this section shall remain in force for such further period not exceeding six months from the date on which the order made by the Magistrate would have, but for such order, expired, as it may specify in the said notification.

(5) Any Magistrate may, either on his own motion or on the application of any person aggrieved, rescind or alter any order made under this section, by himself or any Magistrate subordinate to him or by his predecessor-in-office.

(6) The State Government may, either on its own motion or on the application of any person aggrieved, rescind or alter any order made by it under the proviso to sub-section (4).

(7) Where an application under sub-section (5) or sub-section (6) is received, the Magistrate, or the State Government, as the case may be, shall afford to the applicant an early opportunity of appearing before him or it, either in person or by pleader and showing cause against the order; and if the Magistrate or the State Government, as the case may be, rejects the application wholly or in part, he or it shall record in writing the reasons for so doing”

6. Section 144 Cr.P.C. clearly provides that no order under this section shall remain in force for more than two months from the making thereon. This final order has lost its force due to efflux of time in terms of Section 144(4) Cr.P.C. Section 144 Cr.P.C. nowhere empowers the learned Magistrate to arrive at any finding regarding title or possession of any party upon the land in question, under that proceeding. The findings of the Court of S.D.M., Chakia, East Champaran is exceeding jurisdiction and lacks authority.

7. Accordingly, this revision is **disposed of** as infructuous with observation that any direction by the Court of S.D.M., Chakia in its order dated 09-04-2024 in Case No.33-M/2024, regarding any right, title or interest of any of the party shall not create or extinguish any right in favour of or against any party.

8. Let a copy of this order be sent to the Court concerned.

(Dictated and corrected by me)

Sd/-
Sessions Judge
East Champaran at Motihari
15-06-2026

Date of order	15-06-2026
Date of reserving order	---
Uploaded Date	16-06-2026
Uploaded by	A.K. Heera, Steno