

IN THE COURT OF DISTRICT & ADDITIONAL SESSIONS, JUDGE – VI, JAMUI

Criminal Revision No.- 72/2024
(Arising out of Complaint Case No. 325M/2024)

Present: Manoranjan Kumar Jha
District & Addl. Sessions, Judge – VI, Jamui

1. Amjad Ikbal Khan, S/o- Md. Nabab Khan, aged about 39 years
2. Tarik Khan, S/o- Md. Gulsan Mohiuddin, aged about 41 years
3. Imran Khan, S/o- Sami Ahmad, aged about 43 years
4. Riyasat Khan, S/o- Md. Riyaz, aged about 17 years
All R/o: Vill- Sikandra, P.O.+P.S.-Sikandra, Distt.- Jamui
.....Petitioners/ Revisionists

Versus

1. Raju Pd. Keshri, S/o- Late Suryanarayan Keshri
2. Gopal Pd. Keshri, S/o- Late Suryanarayan Keshri
3. Amit Kumar Keshri, S/o- Late Suryanarayan Keshri
4. Arun Pd. Keshri, S/o- Late Suryanarayan Keshri
5. Prem Kanta Devi, W/o- Late Suryanarayan Keshri
All R/o: Vill- Bahadurganj, P.O.+P.S.-Sikandra, Distt.- Jamui
.....O.Ps. 1st Set.
6. The State of Bihar
.....O.P. 2nd Set.

For Revisionist : Ld. Advs., Sri Praveen Chandra & Others
For Opposite Party : Ld. Advs., Sri Vijay Tanti & Others
For State : Sri Chigu Ravidas, Ld. Addl. Public Prosecutor

Date of order: 06/07/2026

ORDER

1. This Criminal Revision has been preferred to challenge the correctness, legality and propriety of the order dated 24.05.2024 passed by the Court of S.D.M., Jamui, in connection with Case No. 325M/2024 filed under Section 144 Cr.P.C.

FACTUAL MATRIX OF THE CASE

2. The O.Ps Ist party filed a petition before the S.D.M., Jamui for initiation of proceeding u/s 144 Cr.P.C. against the Revisionists for serious apprehension of breach of peace regarding the land of khata 62, khasra 1153, area 2 acres 2 demicals of land situated at Village- Sikandra, P.S.- Sikandra,

District- Jamui as both the sides having claim over the said property. It is alleged that the said property belongs to O.P. Ist party and Revisionists having no locus or right over the same while the Revisionists claim the said land as heirs and successor of the Mokridar Bibi Mokammi Begum and the land under the proceeding has been recorded Bakast Mokarridar and the Revisionists have been getting upto date rent receipt as well and has been coming in continue possession.

Grounds Invoked For Revision

3. Being aggrieved and dis-satisfied with the order dated 24.05.2024 passed by the Ld. Court of S.D.M., Jamui, in above reference Case No. 325M/2024, the Petitioner/Revisionist prefer this memo of revision on the following grounds :-

- (i) That the revisionists could not be served any notice u/s 144 Cr.P.C. therefore, could not appear in the proceeding before S.D.M., Jamui and could not produce his documents and evidences and also show cause could not be filed. Further, a Title Suit No. 218/2021 pending in the Court of Sub-Judge-1st Class, Jamui in respect of the said lands under proceeding and as such the proceeding itself was not maintainable.
- (ii) That the Ld. S.D.M., Jamui did not hear Revisionists matter and passed ex parte order in the proceeding making order observation against the Revisionists and as such the order passed by the Ld. S.D.M., Jamui neither proper nor legal and the order is not reasoned rather the order is illegal. Further, though the Revisionists had not appeared and filed show cause before S.D.M., Jamui even then the Ld. S.D.M., Jamui has wrongly mentioned in his order that the claim and statement of the 2nd party i.e. Revisionist is baseless.
- (iii) That though the proceeding has been dropped but the observation made the order of Ld. S.D.M., Jamui has seriously prejudiced the Revisionists and those observations are necessary to be disposed of. Therefore, it is prayed that the impugned order is not sustainable in the eye of law and same is liable to be set aside.

FINDINGS

4. Heard Ld. Counsels for both the sides and perused the record and the materials available on it. On its perusal, it reflects that the O.P. Ist Set brought a proceeding under Section 144 Cr.P.C. before S.D.M., Jamui for serious apprehension of breach of peace regarding the land of khata 62, khasra 1153, area 2 acres 2 demicals of land situated at Village- Sikandra, P.S.- Sikandra, District- Jamui. Further, both the sides are claiming over the said property. Further, it has been mentioned by the Revisionist that there is one civil case bearing Title Suit No. 218/2021 is pending in the Court of Ld. Sub-Judge- Ist, Jamui with respect to the land involved in this case and the O.Ps. have not denied this fact explicitly. Further, during the course of argument, it has been admitted by both the

sides that Civil Court is the appropriate place and having authority to decide right, title and possession of the suit property.

5. On perusal of order dated 24.05.2024 passed by the then S.D.M., Jamui it reflects that though in third para of the order, it has been mentioned that second party is continuously absent but in operative part of the order, it has been mentioned that the claim of the second party is baseless and they were never in possession and they are forcefully breaching the peace over the said land. Such observation made in the order by S.D.M., Jamui appears to be baseless because of the fact that when it is mentioned that the second party is absent then under what circumstances S.D.M., Jamui had observed that the claim of second party is wrong and baseless. Such order prima facie appears to have been passed in haste and perfunctory manner which is not in accordance with guiding principles of law.

6. It has been submitted by the revisionist that the order dated 24.05.2024 passed by the then S.D.M., Jamui is now infructuous but it is prayed to pass order as to the fact that the said order cannot be used in any proceeding before the Civil Court.

7. Considering the facts and circumstances, this Court is of the considered view that though the impugned order dated 24.05.2024 passed by Ld. Court of S.D.M., Jamui, is now become infructuous but it is made clear that the observations made in the impugned order shall not be used as evidence by the parties.

8. Accordingly, with the aforesaid findings, the instant revision stands **disposed of**.

Ordered accordingly.

Sd/-
D.A.S.J.-VI
Jamui
Dated: 06.07.2026