

Cri. Rev. No. 194/2018

The court of District & Additional Sessions Judge - 2, Muzaffarpur.

[Criminal Revision No. 194/2018]

In the matter of :-

Mukesh Ray.....Petitioner
Vs

The State of Bihar & Anr.Opposite Party

[Criminal Revision against order dated 11.05.2018 passed by the Court of Smt. Rani Gupta, Learned Executive Magistrate(East), Muzaffarpur in case no. M 1091/2017, Tr. No. 202/2017]

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Counsel for the Petitioner :- Sri Shambhu Pd. Singh Ld. Advocate
Counsel for the O. P. No.1 :- Sri Puneet Lal Yadav, Ld. Addl. P.P.
Counsel for the O. P. No.2 :- Sri Sudhisht Narayan

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24th day of June, 2026

PRESENT :- SRI DASHRATH MISHRA
ADDL. SESSIONS
JUDGE JUDGE-II
MUZAFFARPUR

ORDER

1. This Criminal Revision application, filed on behalf of the petitioner against the order dated 11.05.2018 passed by Smt. Shila Rani Gupta the then Executive Magistrate(East), Muzaffarpur in case no. M 1091/2017, Tr. No. 202/2017 u/s 154 Cr.P.C. whereby and whereunder the learned Magistrate had passed an order to initiated the proceeding u/s 146(1) Cr.P.C. and directed to Circle Officer Katra for further management and to maintain peace and tranquility to prevent the situation of bloodshed on the spot.
2. Being aggrieved by and dissatisfied with the impugned order, revisionist has preferred the present Criminal Revision.
3. The petitioner had filed a petition u/s 145 Cr.P.C. before the Executive Magistrate Muzaffarpur(East) submitting therein that the dispute arose and the Khata No. 544, Kheshra No. 3531, Area 6.5 dec. Petitioner Mukesh Ray including his brother Saheb Ray purchased R.S. Khata No. 545 R.S.P. No. 3531 area 6.5 dec. through registered sale-deed dated

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06.06.2017 from Satya Narain Tiwari. That after execution of sale-deed dated 06.06.2017 purchaser got peaceful possession and mutated their name in Sarkari Shrista and paying rent to State of Bihar and land in question is coming in peaceful possession of the petitioner and nature of land is question is home stead land. That after purchasing the land petitioner constructed a hut on the land in question and petitioner is living on land in question with his cattle. It further pleaded that one Ganaur Tiwai @ Ras Narayan Tiwari co-sharer of Satya Narain Tiwari has filed a ceiling case no. 1/2017-18 in the court of D.C.L.R. (East) Muzaffarpur and notice has been issued to petitioner in this case and petitioner has filed objection stated therein that land is homestead land and case is pending before D.C.L.R. East, Muzaffarpur. That meanwhile wife of Gonaur Tiwari @ Ras Narayan Tiwari has filed a petition before officer in-charge Hathauri P.S. and officer in-charge Hathauri P.S. and officer in-charge Hathauri P.S. and officer in-charge Hathauri P.S. submitted report in S.D.O. East, Muzaffarpur for initiating proceeding u/s 144 Cr.P.C. which has been converted in 145 Cr.P.C. That petitioner appeared in proceeding u/s 145 Cr.P.C. and filed W.S. on 17.04.2018 stating therein that he has purchased land in question from Satya Narain Tiwai and he is coming in peaceful possession and paying rent to State of Bihar. In this regard on 13.03.2018, Lalita Devi filed a petition u/s 146(1) Cr.P.C. and after hearing the matter a report has been call for by learned executive Magistrate and report has been submitted by officer in-charge of Hathauri P.S. and from the perusal of report submitted by officer in-charge. It would appear that land in question is coming in peaceful possession of petitioner and he has constructed a hut on land in question, but on rejoinder dated 11.05.2018 stating therein that petitioner filed on behalf of Lalita Devi u/s 146(1) Cr.P.C. is not maintainable with respect to land in question because section 146(1) Cr.P.C. is applicable in the circumstances when possession is not clear. It is further submitted that learned Magistrate heard the matter on 11.05.2018 and allowed the petitioner dated 13.03.2018 filed o behalf of Lalita Devi stating therein that Lalita Devi ad Mukesh Ray are purchaser of land in question and there is emergency on the spot for possession so proceeding 146(1) Cr.P.C. is necessary and learned Executive Magistrate passed an impugned order dated 11.05.2018 on different way.

4. On the other side Learned Counsel of the O.P. no. 1 & 2 have submitted one by one that the order passed by the learned Executive Magistrate with accordance to law, there is no partition of the lands between the heirs namely, Ram Nandan Tiwary and Raj Nandan Tiwary and the land in question has been coming in the possession of the O.P. under the family arrangement since many decade and under oral partition, the vendor had no right to sale to

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disputed land to the revisionist. It is further submitted that the total area of the land is 21 dec. and the petitioner revisionist has purchased an area 6.5 dec. land out of total 21 dec. from the front side the road illegally and fraudulently with a malafide intention to make the rest portion of the land useless and valueless and wants to capture the same illegally and forcefully with the help of antisocial elements. It is further submitted that the learned court has legally and rightly passed the order u/s 146(1) and 146(2) Cr.P.C. to prevent the emergent situation of bloodshed and to maintain peace and tranquility on the disputed land as well as in the locality. It is further submitted that the alleged sale-deed of the revisionist petitioner is related to the land under R.S. Khata No. 525 and wants to capture the land illegally of this O.P. which is under the R.S. Khata No. 544, the sale-deed dated 06.06.2017 is evident itself. It is further submitted that the order passed by the lower court u/s 146 Cr.P.C. with accordance to law. Therefore, the revision petition is fit to be rejected in the interest of Justice and fairness.

5. Having considered the submissions made by rival of the parties facts and circumstances, it is obviously clear that the impugned order as well as case file by the petitioner before the Executive Magistrate, Muzaffarpur (East). It appears that the petitioner is the purchaser and O.P. 2nd party is the member of the original land lord. The land mentioned in the said order dated 11.05.2018, R.S. Khata No. 545 R.S.P. No. 3531 area 6.5 dec. It's boundary in north Ram Janki Temple, South- Bhola Tiwari, East- Road and West- Raj Narain Tiwari. She directed to the both parties appear before the court and they also filed their statement in written. In the mean time first party had filed a petition on 13.03.2018 u/s 146(1) Cr.P.C and after hearing both parties he directed to Hathauri P.S. to visit on the spot and submit his report accordingly.

6. In view of the aforesaid facts and circumstances of the case. This Cr. Rev. had been filed by the petitioner is hereby rejected.

7. OC is directed to send a copy of this order before the concern court with TCR early as possible.

Sd/-
(Dashrath Mishra)
Addl. Sessions Judge-II
Muzaffarpur
24.06.2026

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