

Cri. Rev. No. 34/2021

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

[Criminal Revision No. 34/2021]

In the matter of :-

1. Jitendra Singh.....Petitioner
Vs

The State of Bihar & Others.....Opposite Party

**[Criminal Revision against order dated 15.02.2021 passed by the Court of S.D.M.,
(East), Muzaffarpur in Case No. 42651/2020, u/s 144 Cr.P.C.]**

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Counsel for the Petitioner :- Sri Satish Kumar Shrivastava, Ld. Advocate
Counsel for the O. P. No. :- Sri M.M. Kamali Ld. Addl. P.P.

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6th day of June 2026

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

ORDER

1. This Criminal Revision have been preferred on behalf of the petitioner, against the order dated 15.02.2021 passed by the Court of S.D.M.,(East), Muzaffarpur in Case No. M.42651/2020, u/s 144 Cr.P.C whereby and whereunder the learned S.D.M.,(East) disposed off the case and directed to the both sides to file a civil case in the competent Civil Court.
2. Being aggrieved by and dissatisfied with the impugned order, revisionist/complainant has preferred the present Criminal Revision.
3. Learned counsel for the petitioner submitted that the petitioner owned and possessed some property since time of ancestor and after partition the petitioner came in exclusive possession over their respective share. It is further submitted that due to some nuisance created by O.P. 2nd party filed an application before S.D.M. East, Muzaffarpur and learned S.D.M. East to initiate proceeding and simultaneously notice issued against the both side and after received of the said notice both parties appear before the court and filed their show cause. It is further submitted that at the time of hearing of this case, the said proceeding was dropped by S.D.M. East, Muzaffarpur on 15.02.2021 and both the parties filed their

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respective show cause and accepted the private partition. It is further submitted the order passed by the learned sub-divisional, Magistrate, East, Muzaffarpur in case no. M.42651/2020, proceeding u/s 144 of Cr.P.C. is totally based upon surmises. The learned sub-divisional, Magistrate, East, Muzaffarpur passed the order without considering the documents which were filed by the petitioner.

4. On behalf of the State Ld. Addl. P.P. submitted that the order passed by the Id. S.D.M. East, Muzaffarpur with accordance to law from material available on the record before him. There is no illegality or irregularity found in impugned order so, the Cr. Rev. filed by the petitioner is fit to be rejected.

5. From perusal of the impugned order passed by Id. S.D.M. East, Muzaffarpur, it appears that the Id. S.D.M. observed that both parties are claimed to lands mentioned in such case are ancestral land and both parties are partitioned on 03.02.2015 without any consent of their sister and father's sister's and scheduled of land was also prepared in their shares separately but dispute exist on till yet. Therefore, he ordered that the both parties to appear before the competent court for seeking their grievance accordingly and petition u/s 144 Cr.P.C. filed by the petitioners is closed.

6. In view of the aforesaid facts and circumstances of the case as well as TCR, it appears that the land dispute occurs between the parties and the impugned order passed by the Id. S.D.M. dated 15.02.2021 previously rejected by the same court. Thereafter, the next filing of the other case on same sections on same ground is also not maintainable. Therefore, I am not inclined to grant any relief to the petitioner in the light of impugned order passed by the Id. S.D.M. East, Muzaffarpur. There is no illegality or irregularity found in the said order. Hence, the impugned order dated 15.02.2021 passed by Id. S.D.M. East, Muzaffarpur is hereby affirmed and this criminal revision is hereby **dismissed**.

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

Sd/-
Addl. Sessions Judge-2nd
Muzaffarpur

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