

**IN THE COURT OF 1st ADDITIONAL SESSIONS JUDGE,
MUZAFFARPUR**

Criminal Revision No. 141/2025
(Yashpal Raj Mutreja vs. State of Bihar & another)
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Criminal Revision No. - 141/2025
(Arising out of Case No. M-2019/2024)

1. Yashpal Raj Mutreja

.....Revisionist/Petitioner

Vs

1. State of Bihar

2. Ramesh KumarOpposite Parties

Ld. counsel for the revisionists: Sri Bimlesh Kumr, Advocate.

Ld. counsel for the O.P. No.-01 : Dr. B. Pathak, Addl. P.P.

Ld. counsel for the O.P. No.-02 : Mrs. Simran Tulsyan, Advocate.

Present:-

Raja Ram Santosh Kumar

1st Additional Sessions Judge, Muzaffarpur

ORDER

Dated:- 25.06.2026

1. The present criminal revision petition has been filed by the revisionist, namely, Yashpal Raj Mutreja, against the order dt. 27.02.2025, passed by the ld. S.D.M., Muzaffarpur (East), in the case no. M-2019/2024, whereby, the ld. S.D.M., Muzaffarpur (East) had converted a proceeding u/s 163 of B.N.S.S., into a proceeding u/s 164 of B.N.S.S., in the case no. M-2019/2024.

2. The factual matrix, leading to filing of the present revision petition is that an application was filed by the O.P. No. 2, for initiation of a proceeding under section 163 of B.N.S.S., before the Court of S.D.M. (East), Muzaffarpur, with respect to land bearing:-

Khata No.	Kheshra No.	Area
102	88	21 Dec.
102	84	24 Dec.
48 (New Khata)	89	08 Dec.
58 (New Khata)	75	

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29	92	44 Dec.
102	88	08 Dec.
	85	03 Dec.
	84	01 Dec.

in mauza Mithanpura, P.S.-Ahiyapur, District-Muzaffarpur. Thereafter, the ld. S.D.M., Muzaffarpur (East), had called for a report from the S.H.O., Ahiyapur, in this regard and after perusal of all the materials available on record, including the report of the S.H.O., Ahiyapur and submissions of the both the parties and also after hearing both the sides, the ld. S.D.M., Muzaffarpur (East), has passed an order dated 27.02.2025, whereby and whereunder, the ld. S.D.M., Muzaffarpur (East), had converted the proceeding u/s 163 of B.N.S.S., into the proceeding u/s 164 of B.N.S.S., on the ground that matter in dispute is a real land dispute, which can not be determined in a short period, as envisioned u/s 163 of the B.N.S.S.

3. Being aggrieved and the dissatisfied with the order dated 27.02.2025, passed by the ld. S.D.M., Muzaffarpur (East), in the case no. M-2019/2024, the revisionist has assailed the impugned order, mainly on the following grounds:-

- I. That the impugned order dated 27.02.2025 passed by ld. Court below is bad in eye of law and also in facts.
- II. That the ld. Court of S.D.M. Muzaffarpur (East), ought to have considered the documents submitted by the revisionist during the proceeding, which it did not.
- III. That the impugned order is prima facie illegal as the same has been passed without any reason or logic.
- IV. That the ld. Court below ought to have considered the said land has been purchased by the petitioner out of his own savings and the sale deeds are pious and are existing.

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V. That the disputed land has been coming in continuous and uninterrupted possession of this revisionist and this fact was also not considered at all by learned lower Court.

VI. That a portion of small land has been acquired by the N.H.A.I. from petitioner's land as aforesaid and he was also given compensation for the same and this fact was not taken into consideration.

VII. That the said purchased properties of petitioner are surrounded by a boundary of more than six feet and the name of this petitioner is engraved in the left of the entry gate of said campus.

VIII. That the said land plots have been mutated in the name of petitioner and since then he has been giving rent and getting land rent receipts for the same, till date.

IX. That no reasoning has been given as to how the Id. Court of S.D.M., Muzaffarpur (East) arrived to the conclusion that there exists dispute over the said land.

X. That not a single piece of paper was given during the proceedings before the Id. Court of S.D.M., Muzaffarpur (East), to show that said land was purchased by joint fund of all the brothers.

XI. That the impugned order passed by the Id. trial Court is also otherwise bad in law.

4. On the basis of above mentioned grounds, the revisionist has submitted that the impugned order 27.02.2025, is liable to be set aside and prayer has been made accordingly.

5. L.C.R. was called for from the Id. Court of S.D.M., Muzaffarpur (East), which was received in due course.

6. Perused the record, including the L.C.R. and also heard the rival contentions. It appears that the revisionist has filed the instant revision application for setting aside the order, dated, 27.02.2025, passed by the Id. Court of S.D.M., Muzaffarpur (East), whereby the Id. Court below had

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converted a proceeding u/s 163 of the B.N.S.S. to a proceeding u/s 164 of the B.N.S.S., on the ground that matter in dispute, between the parties, was a real land dispute, which can not be decided, in a short period, as envisaged under section 163 of the B.N.S.S. From perusal of the impugned order and other materials, available on the record, it transpires that the Id. Court below has passed the said impugned order, after perusal of all the relevant documents, including the report submitted by the S.H.O., Ahiyapur P.S. and also after hearing both the sides. From perusal of the documents, on record, it appears to this revisional Court also that, there is actual dispute, concerning land, between the parties, which is likely to cause a breach of peace. While one party is claiming right over the entire land in dispute, on the ground that said land was purchased without any financial assistance from other brothers and after execution of sale deed, he is coming in peaceful possession of that land, another party is claiming that both the parties are own brothers and land in dispute is there joint property and all the five brothers have got right a title over that land. Although the matters of title and possession are to be decided by a competent Civil Court, but Id. Court of S.D.M., Muzaffarpur (East), had certainly to see as to whether such land dispute between the parties could have caused any breach of peace or not. Proceeding under section 163 of the B.N.S.S., has a very limited scope and it has got force for a maximum period of two months. Given the nature of land dispute between the parties and possibility of a likely breach of peace, Id Court of S.D.M., Muzaffarpur (East), has rightly held, after perusal of materials on record, including the report of the S.H.O., Ahiyapur P.S., that the same could not be resolved effectively, in summary proceeding u/s 163 of the B.N.S.S. Further, in view of above made discussion, this revisional Court is of the considered opinion that the Id Court below has rightly converted the proceeding u/s 163 of the B.N.S.S., into a proceeding u/s 164 of the B.N.S.S. This Court finds no

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force and no substance in the averments of the revisionist. The impugned order, dated, 27.02.2025, passed by the Id. Court of S.D.M, Muzaffarpur (East), in the case no. M-2019/2024, does not suffer from any infirmity or illegality and hence, the same does not warrant any interference, by this Court, in its revisional jurisdiction. The instant **revision petition** is accordingly, **dismissed**.

Let a copy of this order, along with the LCR, be sent to the Id. Court below, for information and needful.

(Dictated)

Sd/-

(Raja Ram Santosh Kumar)

1st Addl. Sess. Judge

Muzaffarpur

25.06.2026