

District:- Chatra

In the Court of Sessions Judge, Chatra

Present:- Rita Mishra

Sessions Judge, Chatra

Chatra, Dated the 22nd Day of February, 2019

Criminal Revision No: 104 of 2017

1. Gita Devi W/o Dashrath Prasad Verma
 2. Dashrath Prasad Verma, S/o Late Mahadeo Mahto
- Both R/o village-Unta, P.S.-Chatra Sadar, Distt-Chatra ..Revisionists

- Versus-

1. The State of Jharkhand through Deputy Commissioner, Chatra
2. Govind Ram Dangi S/o Late Mahadeo Mahto
3. Mahendra Kumar Verma S/o Late Mahadeo Mahto
4. Navin Kumar S/o Govind Ram
5. Pravin Kumar Priyadarshi S/o Govind Ram

All R/o village-Unta, PS-Chatra Sadar, Distt-Chatra...Opposite Party

(Revision against the order dated

24.10.2017 passed by the Court of SDM, Chatra, in connection with Miscellaneous Case No. 84 of 2017 u/s 144 Cr. P.C.)

Counsel for the Revisionists :- Sri Santan Jee	 Advocate
Counsel for the O.P. No. 1 :- Sri Lal Bihari Mandal	P.P.
Counsel for rest of the O.Ps. :- Sri RSP Yadav	 Advocate

ORDER

1. Present revision has been directed against the order dated 24.10.2017, passed by the Court of SDM, Chatra, in connection with Case No. 84 of 2017 u/s 144 Cr. P.C. By the impugned order, learned SDM, Chatra has vacated the order u/s 144 Cr. P.C. in favour of Govind Ram Dangi (0.40 acres), Mahendra Kumar Verma (0.40 acres) & Dashrath Prasad Verma (0.20 acres) land in respect to Khata No. 42, Plot No. 01, area 01 acre of Mauza-Unta, P.S.- Sadar, Distt.-Chatra. It is further ordered that the Circle Officer, Chatra is directed that according to the order,

demarcation should be done by Amin in proportion to the land purchased from the side of the road.

2. Background facts of filing of this revision is that on the basis of Non-FIR Case No. 10 of 2017 of Chatra Sadar PS, the proceeding of the Case No. 84 of 2017 u/s 144 Cr. P.C. has been initiated in respect to the questioned land i.e. Khata No. 42, Plot No. 01, area 01 acre of Mauza-Unta, P.S.- Sadar, Distt.-Chatra, accordingly, both the parties have been noticed for filing show-cause on 12.09.2017. On receipt of the notice, both parties appeared and filed their show-cause on 17.10.2017. After hearing both the parties and perusal of the show cause and papers annexed therewith, impugned order has been passed by the learned Magistrate in respect to the proceeding land.

3. The learned counsel for the revisionist submits that both the parties are claiming the proceeding land and the two months period from the impugned order has already been elapsed, therefore, the impugned order has lost its force, however, by the impugned order, learned Magistrate has passed prohibitory order of perpetual nature for which he was having no any jurisdiction. Further, it is submitted that both the parties of the proceeding were claiming the land, in spite of it, learned Magistrate has passed impugned order without disclosing the fact that there exists the apprehension of breach of peace.

4. The learned counsel for the O.Ps. have argued in support of the impugned order. But they concede that by lapse of statutory period, the impugned order has lost its force, hence present revision is not maintainable.

5. At this place, I would like to mention relevant provision related to this matter, which are as follows :-

As per provision u/s 144 (4) Cr. P.C. "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 specified in the said notification."

6. In light of above provision, it is apparent that impugned order was passed on 24.10.2017, accordingly more than two months period has already been elapsed. In light of above discussion, I am of the considered opinion that at present impugned order is not in effect or in other words impugned order is presently effect-less. Since impugned order is effect-less, hence merit of the case is not being discussed in detail. Therefore, this revision petition is infructuous, accordingly it is being disposed off. Let a copy of this order along with LCR be sent to the court concerned for information and needful.

(Dictated, corrected and pronounced
by me in open court)

Sd/-

(Rita Mishra)

Sessions Judge, Chatra

Dated-22.02.2019

Sd/-

(Rita Mishra)

Sessions Judge, Chatra

Dated- 22.02.2019