

IN THE COURT OF ADDITIONAL SESSIONS JUDGE, III SIWAN

Criminal Revision No.-266/2022

(From the order passed on 10.10.2022
in M. Case No. 668/2022 by Ld. S.D.M., Maharajganj)
Geeta Devi & Ors. Vs. State of Bihar & Ors.

09.02.2024

The revisionist Geeta Devi is in attendance. The learned APP Md. Yahiya Khan also files attendance on behalf of opposite party.

Heard both sides.

Perused the complete record of this criminal revision which appears that the instant revision has been preferred assailing the impugned order dated 10.10.2022 passed in M. Case No. 668/2022 by the learned S.D.M., Maharajganj, in the proceeding u/s 144 of the Cr.P.C. and this order has been passed on 10.10.2022 against both the parties by restricting not to go over the disputed land i.e. R.S. Plot No. 727 under Khata No. 19 area 2 katha 15 dhur till disposal of the proceeding.

The revisionists have preferred the revision mentioning the grounds in the revision petition for setting aside the order passed on 10.10.2022 by learned S.D.M., Maharajganj as it was alleged to be illegal, unjust, not maintainable and fit to be set aside.

The revision was admitted for hearing and the L.C.R. was called for which is available on the face of the record but the revisionists are absent. The learned APP Yahiya Khan appearing on behalf of opposite party conceded that the force of the impugned order has already been expired.

On perusal, it is evident that an order passed under section 144 of the Cr.P.C. is an executive order and this is not intended to be either permanent and semi-permanent in character. The provision as laid down under section 144 (4) of the Cr.P.C. ordains that No order under the section shall remain in force for more than two months from making thereof unless the same is extended by the state government.

In the instant case, the learned S.D.M., Maharajganj has passed the order on 10.10.2022 in the proceeding u/s 144 of the Cr.P.C. by restricting the parties for not going over the aforesaid land and the two month period has already been passed since passing of the order.

O R D E R

In view of the above and as the order passed on 10.10.2022 by the learned S.D.M., Maharajganj becomes infructuous, the instant criminal revision stands disposed of.

Send down the L.C.R. with a copy of this court's order to the learned court of S.D.M., Maharajganj immediately.

sd/-
(Narendra Kumar)
Addl. Sess. Judge, III
Siwan