

(2002) 01 PAT CK 0028

In the Patna High Court

Case No : Criminal Revision No"s. 682 and 795 of 2001

Sakaldeep Sah and Others

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 10-01-2002

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 144, 145, 146

Citation : (2002) 1 PLJR 601

Hon'ble Judges : Shiva Kirti Singh, J

Bench : Single Bench

Judgement

Shiva Kirti Singh, J.—Heard learned Counsel for the Petitioners and learned Counsel for the opposite parties.

2. The primary challenge in these two revision petitions is to conversion of a proceeding u/s 144 into a proceeding u/s 145 Code of Criminal Procedure and also to attachment of the disputed lands u/s 146 Code of Criminal Procedure. From the materials on record it appears that there is bonafide land dispute between the parties arising mainly for the reason that according to one branch, the vendor of the Petitioners has sold in excess of his share and over such portion neither the vendor nor the Petitioners were ever in possession. There is a police report to show tension between the parties on the right to cultivate the land.

3. In these circumstances, this Court is not persuaded to interfere with the impugned orders.

4. On behalf of the Petitioners it has been shown that over some areas of land Consolidation authorities have already accepted the title and possession of the Petitioner. These orders may be shown by the Petitioners before the Magistrate through their show cause and it is expected that the Magistrate shall decide all such claims in accordance with law. Learned Counsel for the opposite party has very fairly submitted that the proceeding may be directed to be decided

expeditiously. Since the land is under attachment on account of tension between the parties hence, it will be in the interest of all the parties that the proceeding is decided expeditiously. The Magistrate is accordingly directed to decide the proceeding as early as possible and preferably within six months.