

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No.3318 of 2022

1. Jaishankar Prasad Gupta, age about 52 years, Son of Late Nanhak Sao,
 2. Rajesh Gupta, age about 50 years, Son of Late Ugranath Sao,
 3. Satendra Gupta @ Satyendra Kumar Gupta, age about 44 years, Son of Late Ugranath Sao,
 4. Nandlal Sao, age about 80 years, Son of Late Ramdev Sao
- All are Resident of Village- Ghatahua, P.O.- Lamarikala, P.S.- Kandi, District- Garhwa.

... Petitioners

Versus

1. The State of Jharkhand
2. Suneshwar Baitha, Son of Late Raghuvar Baitha
3. Suresh Baitha, Son of Ramdev Dhobi
4. Rameshwar Baitha, Son of Mahadev Dhobi
5. Sudarshan Baitha, Son of Satbar Dhobi
6. Bhola Dhobi, Son of Aliyar Dhobi
7. Vishwnath Baitha, Son of Sahbir Dhobi
8. Rajendra Baitha, Son of Late Bhuvneshvar Baitha
9. Mahendra Baitha, Son of Late Bhuvneshvar Baitha
10. Uday Baitha, Son of Late Bhuvneshwar Baitha
11. Munna Baitha, Son of Late Ramdev Baitha
12. Birendra Baitha, Son of Late Ramdev Baitha
13. Upendra Baitha, Son of Late Ramdev Baitha
14. Satyendra Baitha, Son of Late Ramdev Baitha

All are resident of Village- Ghatahua, P.O.- Lamarikala, P.S.- Kandi, District- Garhwa.

... Opposite Parties

For the Petitioners : Mr. S.K. Sharma, Advocate
Mr. Manoj Kr. No.2, Advocate
For the State : Mrs. Nehala Sharmin, Spl.P.P.
(through VC)
For the OP No.2 to 14: Mr. Mihir Kunal Ekka, Advocate
Mr. Ram Kinkar, Advocate

P R E S E N T

HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

By the Court:- Heard the parties.

2. This Criminal Miscellaneous Petition has been filed invoking the jurisdiction of this Court under Section 482 of the Code of Criminal Procedure with the prayer to quash the order dated 06.06.2022 in Cr. Revision No. 42 of 2021 passed by the learned Sessions Judge, Garhwa whereby and where under the learned Sessions Judge, Garhwa has allowed criminal revision and set aside the order dated 27.01.2021 passed by the learned Sub-Divisional Magistrate, Garhwa in Misc. Case No. 92 of 2020 by which the learned Sub-Divisional Magistrate, Garhwa dismissed the application under Section 145 of the Code of Criminal Procedure basing upon the rights of the parties rather than the possession of the parties in respect of the disputed property.

3. Learned counsel for the petitioners submits that once the learned Sessions Judge, Garhwa has set aside the order passed by the learned Sub-Divisional Magistrate, Garhwa in the said case, the learned Sessions Judge, Garhwa ought to have directed the Sub-Divisional Magistrate, Garhwa to pass a fresh order in accordance with law but

having not done so, the order of the learned Sessions Judge, Garhwa be modified to the aforesaid extent.

4. Learned Spl.P.P. appearing for the State and the learned counsel for the opposite party No.2 to 14 submit that they have no objection to the prayer of the petitioners.

5. Considering the aforesaid facts of the case, the impugned order dated 06.06.2022 passed in Cr. Revision No. 42 of 2021 by the learned Sessions Judge, Garhwa is modified directing the learned Sub-Divisional Magistrate, Garhwa to pass a fresh order in the said Misc. Case No. 92 of 2020 in accordance with law.

6. Accordingly, this Criminal Miscellaneous Petition is allowed to the aforesaid extent only.

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated the 28th of January, 2026
AFR/ Saroj

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