

**(1940) 01 PAT CK 0018**

**Patna High Court**

**Case No:** None

Sri Bhagwat Lal

APPELLANT

Vs

Bachu Pandey

RESPONDENT

---

**Date of Decision:** Jan. 3, 1940

**Acts Referred:**

- Criminal Procedure Code, 1898 (CrPC) - Section 144

**Citation:** AIR 1940 Patna 364

**Hon'ble Judges:** Varma, J

**Bench:** Division Bench

---

### **Judgement**

@JUDGMENTTAG-ORDER

Varma, J.

This is an application against an order u/s 144, Criminal P.C., passed by the Sub-Divisional Officer of Bhabua on 3rd August 1939. The original notice u/s 144 was issued on 29th June 1939. Therefore the order u/s 144 spent it-self after sixty days from the date of the original notice; so the order complained against is no longer in force and therefore it is not necessary for me to set it aside. But the real grievance of Mr. Kedar Nath Varma is that there are certain observations in the order which amount to a declaration of possession in favour of the opposite party who happens to be the first party, the petitioner being the second party. It is well known that any expression of opinion on the question of possession in favour of one party or the other u/s 144, Criminal P.C., is not of a permanent nature. Such an order is passed in summary proceedings and cannot affect the real rights of the parties on the question of possession. With these remarks the rule is discharged.