

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. _____ OF 2023
(ARISING OUT OF SPECIAL LEAVE PETITION (CRIMINAL) 7622 OF 2023)

SANJAY KUMAR

APPELLANT(S)

VERSUS

STATE OF MADHYA PRADESH & ANR.

RESPONDENT(S)

O R D E R

Leave granted.

2. Despite service of notice respondent no. 2-the private respondent is not present nor any counsel has put in appearance on his behalf.

3. Heard learned counsel for the appellant and learned counsel for the State of Madhya Pradesh.

4. The present appeal arises out of proceedings under Section 145 of the Code of Criminal Procedure, 1973 (hereinafter referred to as 'Cr.P.C. '), in which learned Magistrate took cognizance and by an order dated 14th September, 2022, after hearing the parties,

constituted a team to make an an appropriate local enquiry under Section 148 of the Cr.P.C.

5. Later on by an order of 15th December, 2022, the learned Magistrate proceeded to issue directions to the said team, constituted by the previous order, to get the revenue records including the possession, title documents and also the maps examined and get the same clarified and corrected, if there was any discrepancy, and after getting the same done, then submit the appropriate report. The said order was challenged before the Sessions Court, which granted an interim order, staying the implementation and operation of the order dated 15th December, 2022.

6. Aggrieved by the same, the respondent preferred petition(s) under Section 482 Cr.P.C. before the High Court which was allowed and the interim order granted by the Sessions Court was set aside. Aggrieved the appellant is before this Court.

7. The effect of the impugned order of the High Court is that the order passed by the Magistrate on 15th December, 2022 stands restored and becomes effective.

8. The submissions advanced on behalf of the appellant is that learned Magistrate, in proceedings under Section 145 of Cr.P.C., could not have inter-meddled

with the Revenue Records nor could have issued the said directions, as are contained in the order dated 15th December, 2022. The proceedings for correction of Revenue Records (Khasra/Maps) lie within the domain of the Revenue Authorities or the Competent Court under the Madhya Pradesh Land Revenue Code. The course open to the Magistrate in proceedings, under Section 145 of the Cr.P.C., would have been to keep the properties attached if there was any law and order issue and direct the parties to obtain appropriate relief with regard to the title and also correction of Revenue Records, if any, but not direct the team, so constituted under Section 148 Cr.P.C., to get the said exercise carried out.

9 We, accordingly, find the order of the Magistrate dated 15th December, 2022 to be beyond the scope of proceedings under Section 145 Cr.P.C. We, accordingly, deem it appropriate to allow the appeal, set aside the impugned order of the High Court and as also the order of learned Magistrate dated 15th December, 2022. The proceedings pending before the learned Magistrate will continue to be taken to the logical conclusion in accordance with law. As a consequence, the revision filed before the Sessions Court will also stand disposed of.

10. The Appeal stands allowed as above.

11. Pending application(s), if any, shall stand disposed of.

..... J.
[VIKRAM NATH]

..... J.
[AHSANUDDIN AMANULLAH]

NEW DELHI;
SEPTEMBER 04, 2023.

ITEM NO.28

COURT NO.8

SECTION II-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (CrI.) No(s). 7622/2023
(Arising out of impugned final judgment and order dated 17-04-2023
in MCRC No. 9269/2023 passed by the High Court of M.P. at Indore)

SANJAY KUMAR

Petitioner(s)

VERSUS

STATE OF MADHYA PRADESH & ANR.

Respondent(s)

(IA No. 119343/2023 - EXEMPTION FROM FILING O.T.)

Date : 04-09-2023 This petition was called on for hearing today..

CORAM :

HON'BLE MR. JUSTICE VIKRAM NATH
HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH

For Petitioner(s) Ms. Shreya Srivastava, Adv.
Ms. Taruna Ardhendumauli Prasad, AOR

For Respondent(s) Mr. Pashupathi Nath Razdan, AOR
Mr. Nirmal Kumar Ambastha, Adv.
Ms. Maitreyee Jagat Joshi, Adv.
Mr. Astik Gupta, Adv.
Ms. Akanksha Tomar, Adv.
Mr. Ritik Sharma, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted

The appeal stands allowed in terms of the
signed order.

Pending application(s), if any, shall stand
disposed of.

(SONIA BHASIN)
COURT MASTER (SH)

(RANJANA SHAILEY)
COURT MASTER (NSH)

[Signed Order is placed on the file]

