

**Askar Mea Vs. Sabdar Mea**

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**SooperKanoon Citation :** [sooperkanoon.com/856035](http://sooperkanoon.com/856035)

**Court :** Kolkata

**Decided On :** Sep-17-1885

**Reported in :** (1885)ILR12Cal137

**Judge :** Pigot and; O'Kinealy, JJ.

**Appellant :** Askar Mea

**Respondent :** Sabdar Mea

**Judgement :**

**Pigot and O'Kinealy, JJ.**

1. We think the Magistrate is right in the reference made; and direct that the order be set aside.
2. We do so on the ground that, in this case, a bond fide question seems to exist, as to whether there ever was a public road in the place in question. When such a question arises it is one for the Civil Courts, as the case of Basaruddin Bhuia v. Bahar Ali I.L.R. 11 Cal. 8 decides.
3. The enquiry contemplated by those sections of the Criminal Procedure Code is an enquiry into the existence or non-existence of the obstruction complained of-not an enquiry into disputed questions of title.

