

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 983 of 2014

Mirchumal, S/o. Safarmal, Aged About 68 years, R/o. Neha Juice Center,
Near Fast Trade, Malviya Road, Tah. & Distt. Raipur C.G.

---- **Petitioner**

Versus

Gopal Kishan Agrawal, S/o. Late Nathmal Agrawal, Aged About 53 Years,
R/o. C-2, Shriram Nagar, Next to Shankar Nagar T.V. Tower, Shankar Nagar,
P.S. Mova, Tah. & Distt. Raipur C.G.

---- **Respondent**

For Petitioners. : Ram Kumar Tiwari, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

01/07/2015

Heard

1. This is a petition against the order dated 11.08.2014 passed by the Fifth Additional Sessions Judge, Raipur, in Criminal Revision No.169/2014 whereby the order dated 25.02.2014 passed by the Judicial Magistrate First Class, Raipur in a complaint filed by the petitioner was affirmed.

2. The brief facts of the case are that the petitioner herein, the complainant, is a tenant of a premises i.e. disputed shop situated at Godawri Complex, Malviya Road, Gol-Bazar, Raipur, which was initially of Smt. Godawri Bai and the petitioner was inducted as a tenant. The suit was filed for ejectment of the said premises which was bearing C.S.No.40A/2010. Subsequently, after death of Godawri on 03.02.2004, Gopal Kishan Agrawal was made a party. During the evidence, it is alleged that the false affidavit has been filed stating that the petitioner has locked the premises and is not paying the rent. The matter was investigated by the police and thereafter the complaint was filed under Section 193 & 196 and it was found

that the said shop is being used as Godown in the intervening period. The complaint filed by the petitioner under Section 193 & 196 was however dismissed by the Judicial Magistrate First Class against which the revision was preferred which too was dismissed.

3. Both the Courts below has recorded that after going through the record of the Civil Suit No.40A/2010, nothing is established that the Respondent has given a false affidavit and further the Court has decided not to take cognizance of the same.

4. I have gone through the record and the documents which are placed in this case. After going through the complaint and the order, the averments made by the petitioner, I do not find any support to the contentions made and the complaint which has been made do not find any support from the existing facts. Therefore, after reading the entire document, I do not find that any jurisdictional error has been committed by the Court below or find that Court has exceeded its jurisdiction. The finding of fact which is recorded by both the Courts below do not require to be upset on the face of it. Consequently, the petition being devoid of merit is hereby dismissed at the motion stage itself.

Sd/-

(Goutam Bhaduri)

JUDGE