

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 590 of 2015

Laxmi Narayan Sahu, son of Chamru Lal Sahu, aged about 56 years,
resident of village Ward No.37, Jorapara Ward (Pandit Jawaharlal Ward)
Police Station – Moudhapara, Behind Building R.D.A. District Raipur (C.G).

---- Petitioner

Versus

1. Smt. Bhagwanteen Sahu, wife of Shankarlal Sahu, aged about 55 years
2. Hari Chandra Sahu, son of late Chamar Rai sahu, aged about 40 years,
3. Bhuneshwar Sahu, son of late Chamar Rai Sahu, aged about 38 years,

All residents of Ward No.37, Jorapara Ward (Pandit Jawaharlal Ward), Police Station – Moudhapara, Behind R.D.A., Building, District Raipur (C.G).

4. Smt. Durgi Sahu, wife of Sewak Ram Sahu, aged about 50 years, resident of Gudhiyari, Sukrawari Bazar, Raipur, District Raipur.
5. Smt. Nanda Sahu, wife of Sitaram Sahu, aged about 45 years, resident of Domanpara Colony, Kharsia, District Raigarh (C.G).
6. Smt. Uma sahu, aged about 35 years, wife of Anil Sahu, resident of Kurud, District Dhamtari (C.G).
7. Sushil Kumar Gupta, aged about 30 years, son of Sajjan Lal Gupta, Resident of Sharda Chowk, Jorapara, Raipur.
8. Shri Ashish Mishra, aged about 35 years, son of Narendra Mishra, Resident of Santoshi Nagar, Raipur (C.G).

---- Respondents

For Petitioners : Mrs. Bulbul Agrawal, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

11.09.2015

Heard.

2. This petition is against the order dated 13th May, 2015 passed by the

Court of IXth Additional Sessions Judge, Raipur, District Raipur, Chhattisgarh in Criminal Revision No.71 of 2015. By such order, the revisional Court has affirmed the order dated 06.01.2015 passed by the Judicial Magistrate, First Class, Raipur whereby the complaint preferred by the petitioner u/ss 420, 467, 468, 471, 323, 294, 506-B read with Section 34 IPC was dismissed.

3. Learned counsel for the petitioner would submit that the property wherein the petitioner has also right was mutated in the name of respondents on the basis of fabricated agreement and false affidavit. Therefore the petitioner is deprived of the property because of the fraud played. She further submits that the original documents are not in possession of the petitioner, therefore, they could not be placed before the Court at the time of preliminary enquiry. So by dismissing the complaint on such ground, the learned court below has committed illegality and gross error.

4. The record of the Court below was called for.

5. I have heard learned counsel for the petitioner and have also perused the record.

6. In the complaint filed before JMFC, petitioner Laxman Sahu and another witness Saraswati Sahu were examined. Perusal of the statements would show that nothing has been stated by the complainant as to how the complainant was subjected to assault and what abuses were hurled in filthy language. Neither any medical document was filed in support of the alleged assault made by the accused nor there was any mention that which accused caused which injury. It was stated that fabricated document and false affidavit were prepared and on the basis of that, the names of the respondents were mutated in the revenue records.

7. A perusal of the statement would show that the dispute is predominantly in respect of share of the property which is purely in civil

nature. Even otherwise, the mutation of name, if any, was made in the revenue records, the settled preposition is that the parties shall not get the ownership right in the property only on the basis of entry of name in the revenue records. Consequently, after perusal of the records and the statements of complainant and other witness, I do not find that the courts below have committed any illegality in dismissing the petition.

8. A perusal of the impugned orders do not reflect that both the Courts below have failed to exercise its jurisdiction vested in it or they have exceeded the jurisdiction not vested in it.

9. Consequently, the petition has no merit and it is dismissed at the admission stage itself.

**Sd/-
GOUTAM BHADURI
JUDGE**

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