

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 24160 of 2015

Arising out of P.S. Case No. - 3279 Year - 2012 Thana - SIWAN COMPLAINT CASE District - SIWAN

Panmati Devi, Wife of Sri Jung Bahadur Sah, Resident of Village - Dihiya, P.S. -
G.B. Nagar, District Siwan

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Udit Narayan Singh, Advocate

For the Opposite Party : Mr. Ashok Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE GOPAL PRASAD

ORAL JUDGMENT

Date: 03-05-2016

Heard.

This is a petition for quashing the order dated 21.04.2015 passed by the learned Additional District & Sessions Judge-IV, Siwan in Cr. Revision No. 214 of 2013 confirming the order dated 17.08.2013 passed by the Judicial Magistrate, Siwan in Complaint Case No. 3279 of 2012 by which complaint filed by the petitioner has been dismissed under Section 203 of the Cr.P.C.

The prosecution case is that one Mani Sah created a forged sale deed in his favour, said to have been executed by Gharbharan Sah, father-in-law of the complainant with regard to the land on which she was in possession, for which Mani Sah filed a suit, wherein Gharbharan Sah appeared and filed written statement asserting that he did not execute any sale deed in faovur of Mani Sah. Thereafter the suit was dismissed and Yogendra Sah also filed a case

for creation of Jamabandi, which was also rejected. Therefore, it is asserted that the sale deed is forged.

However, the complainant was examined on solemn affirmation and the enquiry witnesses were also examined. The Magistrate dismissed the complaint on the ground that no offence is made out and allegation made is concerned with civil dispute.

Learned counsel for the petitioner, however, submits that there is allegation of abuse and assault to the petitioner.

The order of the learned Magistrate was challenged before the Revisional Court. The said revision petition was also dismissed by the learned Additional District & Sessions Judge-IV, Siwan as the allegations made were not specific.

However, after going through the entire allegations, it seems that the allegation is in two parts. The first part is with respect to execution of a sale deed. However, the assertion made that the said sale deed is forged but there is no allegation or evidence to show how it is forged. The document is said to be forged only on the ground that the complainant asserts her possession over the land and the witnesses have stated that Mani Sah has not executed sale deed. However, forged document is defined in Section 464 of the Penal Code. However, the allegation made does not come within the definition of forgery.

Hence, I do not find any merit to interfere with the order
impugned and this petition is, accordingly, dismissed.

(Gopal Prasad, J)

Kundan/-

AFR/NAFR	NAFR
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