

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.750 of 2016

Arising Out of PS.Case No. -null Year- null Thana -null District- PURNIA

1. Bibhav Nath Tiwari S/O Late Ram Murti Tiwary, Resident of Mohalla- Shivajee Colony, P.S.- K.Hat, District- Purnia.

.... Petitioner

Versus

1. The State of Bihar.
2. Rajendra Nath Tiwary S/O Late Ramanand Tiwary, resident of village- Bhitharia Karchhara, P.S.- Karchhara, District- Allahabad (UP).
3. Neelam Sharma W/O Lalit Kumar Sharma, resident of Link Star Agencies Pvt. Ltd., 14/2, Old China Bazar Street, 4th Floor, Kolkata (W.B.).
4. Usha Sharma W/O Shiv Kumar Sharma, resident of village- Damka Chowk, P.S.- Sadar, District-Purnea.
5. Shruti Sharma W/O Saket Kumar Sharma, Link State Agencies Pvt. Ltd., 14/2, Old China Bazar Street, 4th Floor, Kolkata (W.B.).
6. Praveen Snehi S/O Suresh Prasad Singh, resident of Mohalla- Goutam Nagar, Ganglala, P.S.- Saharsa, District- Saharsa.
7. Anil Kumar S/O Late Karam Chand Patel, resident of village- Maheshpur, P.S.- Falka, District- Katihar.

.... Respondents

Appearance :

For the Petitioner : Mr. Dhiendra Kumar Jha, Advocate
For the State : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

JUDGMENT AND ORDER
ORAL

Date: 25-11-2016

Heard learned Counsel for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the State.

2. This application has been filed against the order,

dated 07.05.2016, passed by the learned Chief Judicial Magistrate, Purnea, in C. A. No. 4216 of 2014, whereby he has dismissed the complaint case filed by the petitioner against Opposite Party Nos. 2 to 7. The petitioner is the complainant of the said C. A. No. 4216 of 2014.

3. It is the petitioner's allegation, which has been made in the complaint petition, that a piece of land was purchased by his father in the year 1995 through registered sale deed, dated 22.03.1995, from Opposite Party No. 2. The petitioner claimed of being in peaceful possession of the said land. It has been alleged that the Opposite Party No. 2 has sold a portion of the land, in question, to Opposite Party Nos. 3, 4 and 5, through different registered sale deeds.

4. It has also been alleged that the father of the petitioner had got constructed a double-storied building as Mill House for an Oil Mill established over the said land.

5. From what has been alleged in the complaint petition, it appears that it is purely a case of civil dispute between the parties. The allegations made in the complaint petition are too vague. The learned Chief Judicial Magistrate, Purnea, before dismissing the complaint petition, has considered the statement of witnesses taken at the enquiry. It seems that the witnesses, who deposed at the stage of enquiry, merely stated that their statement was based on the

information which they had received from the complainant.

6. Considering the nature of dispute raised in the complaint petition and evidence adduced at the enquiry, I do not find any legal infirmity in the order passed by the learned Chief Judicial Magistrate, Purnea, dismissing the complaint petition.

7. I do not find any merit in this application, which is, accordingly, dismissed.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

AFR/NAFR	NAFR
CAV DATE	N.A.
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