

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.6294 of 2015

Arising Out of PS.Case No. -1140 Year- 2012 Thana -COMPLAINT CASE District- SUPAUL

Md. Alauddin @ Mangal Son of Shekh Nemani Resident of Village - Malhani, P.S. and District - Supaul.

.... Petitioner

Versus

1. The State of Bihar.
2. Damodar Prasad Singh, Son of Late Ramautar Singh, Resident of Ward No. Town + P.S. + District - Supaul.
3. Bambahadur Singh
4. Nawal Kishore Singh
5. Shyam Narayan Singh. Opposite Party No. 3 to 5 son of Ramautar Singh, Resident of Ward No. 9, Town + P.S. + District -Supaul.
6. Ramesh Prasad Singh,
7. Mithlesh Kumar Singh,
8. Amresh Kumar Singh. Opposite Party No. 6 to 8 Son of Late Buchchi Singh, R/o Ward No. 9, Town + P.S. + District - Supaul.
9. Pawan Kumar Singh Son of Late Mukteshwar Singh, Resident of Ward No. 15, Town + P.S. + District - Supaul.
10. Bashisth Singh
11. Lal Bahadur Singh
12. Daya Kant Singh
13. Ganesh Prasad Singh. O.P. 10 to 13 Son of Late Ram Narayan Singh, resident of ward no. 15 Town + P.S. + District - Supaul.

.... Opposite Parties

Appearance :

For the Petitioner/s : Mr. Rakesh Kr. Jha, Advocate
For the Opposite Party/s : Mr. Parmeshwar Mehta, A.P.P.

CORAM: HONOURABLE MR. JUSTICE GOPAL PRASAD

ORAL JUDGMENT

Date: 02-05-2016

This application has been filed for quashing the order dated 03.01.2015 passed by the Additional Sessions Judge-II, Supaul in Cr. Revision No. 142 of 2013 (S) by which the Revisional Court has affirmed the order of the learned Judicial Magistrate 1st Class, Supaul rejecting the Complaint Case No. 1140C of 2012 under

Section 203 of the Code of Criminal Procedure.

It is alleged that it was disclosed that 18 Katha of land has been sold and the sale deed executed regarding 18 Katha. It is alleged that the land is only 12 Katha. The Revisional Court rejected the petition in view of material on record that earlier it was disclosed that the land is only 12 Katha and, hence, observed that it was in the knowledge of the complainant.

Learned counsel for the complainant submits that the sale deed executed with regard to 18 Katha and after measurement the land was found only 12 Katha and, hence, a request was made to return the money with regard to 06 Katha, which was not acceded to. However, it has been submitted that earlier, a discloser was made by the Bataidar that the land is only 12 Katha.

Learned counsel for the petitioner submits that for the first time, after execution of the sale deed, there is no mention in the averment with a qualifying word that after execution of the sale deed, the earlier interpretation is ocular that is whether it was for the first time that after the execution or even at the outset and, hence, it is not mentioned that the interpretation in favour of the accused is required to be interpreted.

In that view of the matter, there is no merit in the submission and the petitioner has no objection that the land is 12

Katha and let the sale deed be executed for the remaining 06 Katha of land. Hence, I do not find any merit to interfere in the order.

However, the petitioner may have in his discretion to raise issue before the appropriate forum or the Civil Court.

This application stands dismissed.

(Gopal Prasad, J)

Vats/-

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