

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 175 of 2002**

Kheduram alias Rajkumar son of Gitaram Shrivastava, aged about 36 years, Resident of Jarhabhata, Bilaspur, Police Station Civil Lines, Bilaspur, Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through District Magistrate, Bilaspur.

---- Respondent

For Applicant	: None.
For Respondent/State	: Smt. Smita Ghai, Panel Lawyer.

Hon'ble Shri Deepak Gupta, Chief Justice

Judgment on Board**12/07/2016**

1. This matter was listed on 04.03.2016 when none appeared for the Applicant. Again, the matter was listed on 01.07.2016 and on the said date also, none appeared for the Applicant. Today also, none appears on behalf of the Applicant. Thus, I proceed to decide this revision petition on merits.
2. This criminal revision is directed against the judgment dated 28.02.2002 passed by the 1st Additional Sessions Judge, Bilaspur in Criminal Appeal No. 207 of 2001 whereby the appeal filed by the present Applicant was dismissed and the judgment dated 21.09.2001 passed by the Judicial Magistrate First Class, Bilaspur in Case No. 165 of 2001, convicting the accused of having committed an offence under Section 420 of the Indian Penal Code and sentenced him to undergo three years rigorous imprisonment with fine of Rs. 1000/-, has been affirmed.
3. Briefly stated facts of the case are that the present revision petitioner alongwith one P.S.Bariya and one Makhanpuri Goswami were alleged to have committed an offence of cheating and forgery. The prosecution story briefly stated

is that these three accused in pursuance of their common intention falsely promised to get the complainant-Shailesh Kumar appointed as Clerk in a Government Department. They induced the mother of the complainant to pay Rs. 10,000/- to them on the ground that they would get her son a job. Thereafter, they infact approached the mother for payment of other Rs. 10,000/- stating that the letter of appointment has been received and if she pays them another sum of Rs. 10,000/-, they shall ensure that her son-Shailesh Kumar is appointed. They obtained another sum of Rs. 10,000/-. However, the complainant was not given any job. When no job was provided, the complainant filed a complaint. On the basis of this complaint, FIR (Exhibit P/5) was lodged and the matter was investigated. During investigation, the complainant produced receipt for Rs. 10,000/- allegedly issued by one of the accused-P.S.Bariya. The other documents were also seized and charge sheet under Section 173 CrPC was filed against the three accused who have been charged for having committed offences punishable under Section 420 and 468 IPC.

4. The learned Trial Court, after complete trial found that the prosecution has failed to prove the charge of forgery but held that the charge of cheating was duly proved against the accused and they were sentenced as above. It appears from the records that only two of the accused, Makhanpuri Goswami and Khedu Ram @ Rajkumar filed an appeal which has been dismissed and now this revision petition has been filed by Kheduram @ Rajkumar alone. I have been informed that the third accused has died, hence no appeal was filed on his behalf.

5. I have carefully gone through the records and find that the conviction of the accused is based on the basis of statement of the complainant and his mother who are the two most important witnesses. Their statements clearly show that the accused-Applicant and the co-conspirators had hatched a conspiracy to cheat the complainant and his mother by promising that they would get their son a job if the complainant's mother gave them a substantial amount These are pure finding of

fact arrived at by both the Courts below. This Court while exercising revisional jurisdiction cannot reassess the evidence. No question of law or error of jurisdiction is apparent from the case and therefore, I find on the basis of the statement of the two witnesses that the case against the accused-Applicant has been fully proved.

6. In view of the above discussion, I find no merit in the revision petition. It is accordingly dismissed.

Sd/-
(Deepak Gupta)
CHIEF JUSTICE