

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No. 1086 of 2016

1. Ramadhin S/o Harichandra, aged about 67 years, Caste Bhueyan, R/o Village Singhitarai, Police Station & Tehsil Dabhra, Civil & Revenue District Janjgir- Champa, Chhattisgarh.
2. Damrudhar Sidar S/o Bhagat Ram, Caste Bhueyan, R/o Phoolbandhiya, Police Station & Tehsil Kharsia, Civil & Revenue District Raigarh, Chhattisgarh.
3. Damrudhar Azad S/o Unknown, Caste Bhueyan, R/o Village Komo, Police Station & Tehsil Dabhra, Civil & Revenue District Janjgir- Champa, Chhattisgarh.
4. Dinbandhu Sidar S/o Kunjal Prasad, Caste Bhueyan, R/o Village Tayang, Police Station & Tehsil Kharsia, Civil & Revenue District Raigarh, Chhattisgarh.
5. Balbhadra Prasad Sidar S/o Chamru Sidar, Caste Bhueyan, R/o Phoolbandhiya, Police Station & Tehsil Kharsia, Civil & Revenue District Raigarh, Chhattisgarh.
6. Harihar Sidar S/o Ramlal, Caste Bhueyan, R/o Village Basanpali, Police Station and Tehsil Kharsia, Civil & Revenue District Raigarh, Chhattisgarh.

---- Applicants

Versus

1. State of Chhattisgarh through District Magistrate Janjgir, District Janjgir Champa, Chhattisgarh.
2. Harivansh S/o Pola, aged about 60 years, Caste Bhueyan, R/o Singhitarai, Police Station & Tehsil Dabhra, District Janjgir- Champa, Chhattisgarh.

---- Respondents

For Applicants	:	Shri Keshav Dewangan, Advocate
For Respondent/State	:	Shri Ashok Swarnkar, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy

Order On Board

25/11/2016

Challenge in the present revision petition is the order dated 26.09.2016 passed by the First Additional Sessions Judge, Sakti, District Janjgir-Champa in Criminal Revision No. 4 of 2016. Vide the said impugned order the Revisional Court has set aside the order dated 28.04.2015 passed by the JMFC, Dabhara, District Janjgir Champa refusing to register the complaint preferred by respondent no.2 and remitted the matter back to the

JMFC for fresh adjudication taking into consideration the documents which are filed along with the complaint.

2. The proposed accused persons i.e. the applicants have filed the present revision petition assailing the action on the part of the 1st Additional Sessions Judge, Sakti. Counsel for the applicants submits that the Court below has exceeded his jurisdiction in remitting the matter back to the trial Court for fresh adjudication. He further submits that the revision petition has also been filed on the ground that the statement of the complainant recorded at the time of registration of the complaint does not show any document to have been exhibited on the basis of which the complaint could have been registered. According to the counsel for the applicants, in the absence of any documentary proof at the time of recording of the statement, the complaint was rightly rejected by the JMFC and therefore the Revisional Court has committed an error of law in remitting the matter back to the trial Court for fresh adjudication.

3. This Court at this juncture would not like to go into the merits of the case for the simple reason that the case has not yet been registered and unless the Court below takes cognizance of an offence and registers a complaint, the proposed accused persons would not have a right to questioning the proceeding drawn by the Court below.

4. For the said reason alone, the present Criminal Revision stands dismissed.

5. No order as to costs.

Sd/-
(P. Sam Koshy)
JUDGE