

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 937 of 2014

1. Raj Kumar Agrawal S/o Late Babulal Agrawal Aged About 49 Years R/o. Ram Sagar Para, P.S. Azad Chowk, Raipur, Civil & Rev. Distt. Raipur (C.G.)

---- Petitioner/Complainant

Versus

1. Smt. Sushila Sharma W/o. Shri Jagdish Sharma Aged About 60 Years R/o. Bada Ram Nagar, Raipur, P.S. Azad chowk, Raipur, Distt. Raipur (C.G.)
2. State Of Chhattisgarh Through: Additional Distt. Magistrate Raipur, Distt. Raipur (C.G.)

---- Respondent

For Petitioners	:	Shri C.R. Sahu, Advocate
For Respondent No.2/State	:	Smt. M. Asha, Panel Lawyer
None for Respondent No.1 though served.		

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order On Board

04/04/2016

1. Heard on admission.
2. Brief facts for appreciation of the instant Cr.M.P. are that the petitioner/complainant had filed a Complaint Case against respondent 1 for the offence under Section 420 IPC. After recording the evidence of the petitioner/ his witnesses, the trial Court, i.e. Judicial Magistrate First Class, Raipur (CG) vide order dated 30.8.2013 denied for cognizance and dismissed the Complaint. Against the said order, the petitioner had preferred Cr. Revision No.360/2013. The revisional Court, the 7th Additional Sessions Judge, Raipur (CG) vide order dated 13th August, 2014 dismissed the revision by appreciating the fact that the petitioner and his witnesses have not supported the alleged fact that he kept the tiles in the disputed house and respondent No.1 broke the lock and after committing theft of the said tiles sold those tiles, affirmed the order passed by the

trial Court dated 30th August, 2013. Against the said order, the petitioner has preferred the instant Cr.M.P. and prayed that the order passed by the revisional Court be set aside.

3. Learned counsel for the petitioner supported the grounds taken in the instant Cr.M.P. and prayed that on the basis of the ground taken in the instant Cr. M.P., same may be allowed and the order passed by the revisional Court may be set aside.

4. To appreciate the arguments advanced in this behalf, the instant Cr.M.P. and the impugned order aforementioned also the Complaint filed are perused.

5. After perusal of the statement of the petitioner and his witnesses under Section 200 and 202 Cr.P.C., it appears that the aforementioned fact was not stated by both the witnesses during their examination. With this, the Court below held that there is no sufficient reason for taking cognizance against respondent 1 and the revisional Court further appreciated that the order passed by the trial Court is proper and there is no scope for interference, hence, affirmed the order passed by the trial Court.

6. Upon perusal of the statement of both the witnesses the Complaint, the order of the trial Court and revisional Court, it goes to show that since the petitioner/complainant have not supported the facts of their Complaint before the trial Court in their examination under Sections 200 and 202 Cr.P.C., the trial Court has rightly dismissed the complaint and the revisional Court has also rightly affirmed the order passed by the trial Court.

7. From perusal of the entire material I do not see any reason for taking a different view taken by both the Courts below.

8. The instant petition has no substance, hence, it is dismissed at the motion stage itself.

Sd/

(Chandra Bhushan Bajpai)

Judge

