

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 558 of 2016**

Ramdas Agrawal S/o Late Shish Ram Agrawal Aged About 66 Years
R/o Chandni Chowk, Kotra Road Raigarh, Police Station City Kotwali,
Raigarh, District Raigarh, Chhattisgarh.

---- Applicant**Versus**

1. State Of Chhattisgarh Through District Magistrate, District Raigarh, Chhattisgarh.
2. Ramesh Kumar Moda S/o Shri Purushottam Das Moda Aged About 64 Years R/o Sadar Bajar Gaddi Chowk, Raigarh, Police Station : City Kotwali Raigarh District Raigarh Chhattisgarh.

-----Non-Applicants

For Petitioner:	Shri Amit Singh, Advocate.
For Respondent No.1/State:	Shri Rajendra Tripathi, Panel Lawyer.
For Respondent No.2:	Shri Rakesh Pandey, Advocate.

Single Bench: Hon'ble Shri P. Sam Koshy, J
Order On Board

25.7.2016

1. The instant Cr.M.P has been preferred against the order dated 22.12.2015 passed by the Special Judge, Raigarh in Special Case No.202200000842015 in Criminal Revision No.84/2015 whereby the Court below has discharged Non-Applicant No.2/accused from the charges which were framed against her for the offence under Sections 420, 467 and 471/34 IPC by the Trial Court.

2. Brief facts are that the property in dispute in the instant case originally belong to one Awadh Ram who had on 25.3.2008, entered into an agreement with one Ram Das Agrawal in respect of of property situated at Village Mithumuda, Raigarh measuring 4,000 sq.ft. Subsequently, in the year 2011, i.e. on 13.3.2011, the said Awadh Ram is said to have got sold the said

property to Non-Applicant No.2/accused by way of a registered sale deed. It is thereafter that Ram Das Agrawal, the present Applicant/Complainant is said to have lodged a complaint against Non-Applicant No.2 and other co-accused persons alleging cheating on their part and also levelled allegations that in spite of the fact that they were noticed about the sale entered into between Awadh Ram and Ram Das Agrawal, they had executed a sale deed. Initially, the Trial Court on 6.8.2015, had framed charge against Non-Applicant No.2/accused for the offence punishable under Sections 420, 467 and 471/34 IPC.

3. The said order dated 6.8.2015 was assailed in a Criminal Revision before the Revisional Court i.e. the Special Judge, Distt. Raigarh which was registered as Revision Case No.84/2015.

4. The Revisional Court, after perusing the entire records and on consideration of the submissions made by learned Counsel for the parties, reached to the conclusion that in the entire transaction, there was no element of proof to establish the fact that Non-Applicant No.2, purchaser Ramesh Kumar Moda was ever aware of the fact that there was already a sale deed between Awadh Ram and Ram Das Agrawal. The only averment made by the Complainant is that he had sent notice under UPC to Non-Applicant No.2 which according to Learned Counsel for Non-Applicant No.2, is a fabricated document as the fact remains that the postal service under UPC has already been discontinued by the Postal Department in January, 2011. Further, the Court below also found that there was no other document apart from the averment made by the Applicant so far as Non-Applicant No.2 being aware of the transaction held on 25.3.2008.

5. In the opinion of this Court, the finding of the Revisional Court cannot

be said to be bad in law as even in the present Revision Petition also, the Applicant takes the same stand of intimation to Non-Applicant No.2 by way of a letter sent through UPC.

6. Since no good ground is made out, the instant Revision Petition thus being devoid of merits, the same is accordingly rejected.

Sd/-

(P. Sam Koshy)

JUDGE

Priya