

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Cr.M.P. No. 664 of 2016

1. Vinod Kumar Chandrakar S/o Vishnu Datt Chandrakar Aged About 26 Years Caste Kurmi, R/o Purani Basti, Mawali Chowk, Baloda Bazar, District Baloda Bazar Bhatapara, Chhattisgarh.
2. Deendayal Kurre Aged About 50 Years Formerly Posted At Village Mopar, Presently Posted At Maldi, Tahsil Bhatapara, District Balodabazar Bhatapara, Permanent R/o Bhagat Singh Ward, Post Bhatapara, District Balodabazar Bhatapara, Chhattisgarh.
3. Sunil Kumar Malaki S/o Trimod Malaki Aged About 55 Years R/o Village Chhuiya, P.S. & Tahsil Balodabazar, District Baloda Bazar Bhatapara, Chhattisgarh.
4. Budhe Lal Sahu S/o Aju Ram Sahu Aged About 40 Years R/o Village Kanji, P.S. Bhatapara, District Balodabazar Bhatapara, Chhattisgarh.

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Versus

1. Amardeep Satnami S/o Bhola Ram Satnami Aged About 19 Years Cultivator, R/o Village Mopar & Karmandih, P.S. Sohela, District Baloda Bazar Bhatapara, Chhattisgarh At Present Mahasati Ward Bhatapara, District Balodabazar Bhatapara, Chhattisgarh.
2. State Of Chhattisgarh Through The Station House Officer, P.S. Sohela, District Balodabazar Bhatapara, Chhattisgarh.

.... Respondents

For Petitioners	:	Mr. A.D. Kuldeep, Advocate.
For Respondent-State	:	Mr. Rajendra Tripathi, P..L.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

01.07.2016

1. The present Petition under Section 482 of Cr.P.C. has been preferred against the order passed by the Additional Sessions Judge, Bhatapara in Criminal Revision No. 17/2012 dated 23.04.2016 whereby the Court below has quashed the order dated 04.08.2012 passed by the Judicial Magistrate, First Class, Simga in unregistered case, dismissing

the complaint filed by the complainant holding that no case is made out against the accused persons.

2. The facts in brief are that the Respondent Amardeep Satnami has said to have filed a complainant before the Police authorities alleging that the land belonging to khasra No. 1193 measuring 0.405 ha. which was in the name of the complainant which has been inherited from his parents and since he was a minor the said property was being taken care by one of guardian Shyam Bai. However, after his attaining the age of majority when he went for getting his name entered as actual owner of the said property he found that Shyam Bai without his consent had sold the property to two different persons and he was not intimated about the same nor he got any benefit from the sale consideration from Shyam Bai. Therefore, the complainant had lodged a case before the Police Station against the accused for the offence under Sections 420, 409, 467, 468, 471 and 120B of the I.P.C. and Section 3(1)(4) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act. The Magistrate Court initially on 04.08.2012 dismissed the complaint holding it to be civil dispute and no criminal offence is made out. Against the said order dated 04.08.2012 the present Respondent preferred a Revision Petition i.e. Criminal Revision No. 17/2012 and the Revision Court vide the impugned Order dated 23.04.2016 allowed the Revision Petition to the extent of remanding the case back to the Judicial Magistrate's Court, Simga with a direction to re-consider the contentions put forth in the complaint by conducting an additional inquiry into the complaint made by the

complainant and pass a fresh order accordingly. It is this order which has been assailed by the Petitioner through the present Cr.M.P.

3. A plain reading of the order clearly indicates that the Court below has not passed any adverse order against the present Petitioner calling for an interference. What the Court below has held is that the matter is being remanded back to the Court of Judicial Magistrate, Simga for taking a fresh decision after considering all the claims made by the complainant and also conduct an additional inquiry regarding the statement made by the complainant.

5. In the opinion of this Court order passed by the Court below can not be said to be bad in law or contrary to the evidence which has been come on record.

6. The Court below has only exercised its revision power which has been conferred upon it by the statutes and that as of now no adverse order as such has been passed against the present Petitioners calling for an interference of this Court by invoking the powers conferred upon it under Section 482 of Cr.P.C.

7. Accordingly, the present Cr.M.P. being devoid of merit, the same is dismissed.

Sd/-

(P. Sam Koshy)
Judge