

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Cr.M.P. No. 756 of 2016**

Ramswaroop Tiwari S/o Late Teekaram, aged about 59 years, R/o Village Juna Bilaspur, Near Nagorao Sesh School, P.S. Citi Kotwali, Tahsil & District Bilaspur, Chhattisgarh.

---- Petitioner**Versus**

1. Teekaram Tiwari S/o Late Sadashiv, aged about 93 years, R/o Village Juna Bilaspur, Near Nagorao Sesh School, P.S. Citi Kotwali, Tahsil & District Bilaspur, Chhattisgarh. [Died]
2. Krishna Kumar Tiwari S/o Late Teekaram, aged about 62 years, R/o Village Juna Bilaspur, Near Nagorao Sesh School, P.S. Citi Kotwali, Tahsil & District Bilaspur, Chhattisgarh.
3. Rajkumar Sahu S/o Lakhan Lal Sahu, aged about 50 years, R/o Village Birkona, P.S. Koni, Tahsil & District Bilaspur, Chhattisgarh.
4. Rajkumar Kaushik S/o Ishwar Prasad, aged about 49 years, R/o Village Birkona, P.S. Koni, Tahsil & District Bilaspur, Chhattisgarh.
5. Prashant Kumar Kaushik S/o Santosh Kumar aged about 30 years, R/o Village Birkona, P.S. Koni, Tahsil & District Bilaspur, Chhattisgarh.

---- Respondents

For Petitioner : Shri Deepak Kumar Singh, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****05.10.2016**

The present CrMP has been preferred assailing the order dated 27.04.2016 passed by the 3rd Additional Sessions Judge, Bilaspur in Criminal Revision No. 215 of 2015. By the said order the Revisional Court has rejected the revision petition upholding the order dated 15.10.2015 passed by the JMFC, Bilaspur in an unregistered criminal case of 2015 rejecting the complaint case preferred by the petitioner against the respondents.

2. Without going into the detail factual matrix of the case, the facts

necessary for adjudication of the present petition are that the petitioner-complainant had filed a complaint on 28.04.2015 against the respondents alleging that in the garb of a power of attorney, the respondents have got the property belonging to him sold on 23.06.1998.

3. The JMFC, Bilaspur vide its order dated 15.10.2015 rejected the complaint case on the ground that the power of attorney is alleged to have been executed on 11.06.1998 and the Sale Deed is said to have been executed on 23.06.1998. However, the affidavit enclosed with the same is of 09.10.1992 without bearing a signature of anybody. The complaint case was finally filed in the year 2015 i.e. after about 17 years from the date of the alleged sale transaction. The JMFC, taking into consideration the fact that there was no corroborative evidence to support the statement of the complainant had rejected complaint holding it to be devoid of substance.

4. This order of the JMFC was subjected to challenge by way of Criminal Revision registered as Criminal Revision No. 215 of 2015 whereby the 3rd Additional Sessions Judge, Bilaspur vide its order dated 27.04.2016 reached to the conclusion that the special power of attorney was executed on 22.06.1998 and the sale deed was executed on 23.06.1998 so far as the property situated at Khasra No.214/1 is concerned. It has also been reflected that the Police Authorities in the course of investigating the complaint lodged by the complainant found that the execution of power of attorney as also the execution of the sale deed were found to be duly authorized and also have been proved and accepted by the witnesses to the said power of attorney. It was further noted by the Revisional Court that though the Sale Deed was executed as early as in June 1998 but there was no complaint and grievance on the part of the petitioner for almost 17 years and that the present complaint has been lodged only on 28.04.2015 i.e. after more than 17 years. The Revisional Court further in the course of deciding the revision petition came to the conclusion that even in the support of the contention of the petitioner, there was no evidence which he

could bring so as to reach to the conclusion that it was for the first time in January , 2015 that the petitioner came to know about the fraudulent transaction. In the absence of any cogent evidence to support the contention of the petitioner-complainant and the fact that the Police Authorities during the course of investigation having found the power of attorney duly executed, the Revisional Court considering the delay on the part of the petitioner rejected the revision petition vide its order dated 27.04.2016.

5. It is this order dated 27.04.2016 which the petitioner has challenged in the present CrMP.

6. Having considered the reasons assigned by the two Courts below, this Court is of the opinion that no strong case is made out by the petitioner to take a different view or to reach to a conclusion that the finding arrived at by the two Courts below is perverse and contrary to the evidence on record.

7. Thus, the present CrMP being devoid of merit deserves to be and is accordingly dismissed.

Sd/-

P. Sam Koshy
Judge