

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRIMINAL MISC. PETITION NO. 1018 OF 2016

Sanjeev Chouhan, S/o N.S. Chouhan, Advocate, aged 45 years, R/o 16/190, Deepak Nagar, Tahsil & District Durg (C.G.)

... Petitioner

Versus

1. Nirmala Rai W/o Vipul Rai, aged about 35 years, R/o Pamgarh Road, Near Railway Crossing, P.S. Lalkhadan, Bilaspur (C.G.)

2. Badshah Prasad Singh, S/o Late Shri J.L. Singh, aged about 45 years, R/o House No. 140, Shankar Nagar, Durg, Tahsil and District Durg (C.G.)

... Respondents

For Petitioner : Mr. Siddharth Rathod, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

16/09/2016

1. The present petition under Section 482 of CrPC has been preferred by the Petitioner assailing the order dated 29.7.2015 passed in Criminal Revision No. 135 of 2014 whereby the Second Additional Sessions Judge, Durg has rejected the revision petition preferred by the Petitioner.

2. It is stated that the revision petition was preferred by the Petitioner against the order dated 22.2.2014 passed by the Judicial Magistrate First Class, Durg in Criminal Case No. 826 of 2006 whereby the learned Magistrate has only registered a case against the Respondents for the offence under Section 500/34 of IPC whereas the Petitioner had moved an application seeking for registration of offence under Sections 120-B, 109/34 of IPC against the Respondents.

3. Shri Siddharth Rathod, learned Counsel for the Petitioner, assailing the impugned orders submits that the Revisional Court as well as the Trial Court while passing of the two orders i.e., 29.7.2015 and 22.2.2014, have not appreciated the contentions and submissions brought before the

Courts below particularly the statements recorded at the time of registration of the complaint and therefore prays for the modification of the order to that extent.

4. However, having considered the contentions put forth on behalf of the learned Counsel for the Petitioner as also having gone through the impugned orders it clearly reflects that in fact the Trial Court as well as the Revisional Court both have applied its mind and have particularly gone through the statements which were recorded at the time of registration of the complaint and reached to the conclusion that the ingredients required for the making out of offence under Sections 120-B, 109/34 of IPC were missing and therefore the Trial Court has registered the case against the Respondents for the offence under Section 500/34 of IPC.

5. This Court on due consideration of the submissions made by the learned Counsel for the Petitioner as also on perusal of the records does not find any illegality or infirmity on the part of the two Courts below in not registering the offence under Sections 120-B, 109/34 of IPC against the Respondents as the pleadings in the present petition also do not make out it a strong case calling for an interference with the orders passed by the two Courts below.

6. The petition thus totally devoid of merits the same is accordingly dismissed.

Sd/-

(P. Sam Koshy)
Judge