

IN THE HIGH COURT OF JUDICATURE AT PATNA
SLA No.25 of 2017

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1. Indu Devi, wife of Sanjay Kumar Mehta, resident of Village- Medanipur (Tola), P.S.- Muffasil Sasaram. District- Rohtash Bihar.

.... Appellant/s

Versus

1. The State of Bihar.
2. Rajeshwar Singh, son of Ram Gahan Singh,
3. Ram Gahan Singh, son of Ram JAnam Singh, Both are resident of Village- Lerua, P.O.- Kanchanpur, P.S.- Sasaram, District- Rohtash, Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Kunwar Narayan Jamuar
For the Respondent/s : Mr. Sri Abhay Kumar

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 27-07-2017 Heard learned counsel for the parties.

2. The present application has been filed under Section 378(4) and (5) of the Code of Criminal Procedure, 1973 (hereinafter referred to as the Code), seeking leave to appeal against judgment and order of acquittal, dated 28.02.2017, passed by the learned Additional Chief Judicial Magistrate, Rohtas in Complaint Case No. 695 of 2014 corresponding to Tr. No. 219 of 2017.

3. It is the case of the prosecution as cited in the complaint petition that Respondent No.3 had expressed his willingness to sell a piece of land in favour of the petitioner for consideration amount of Rs. 1,60,000/-. 07.05.2014 was the date



fixed for execution and registration of the sale deed. Accordingly, on 06.05.2014, the complainant purchased the Stamp papers and arranged money by selling her jewelries. In the Registration Office at Sasaram, the deed writer drafted the sale deed on stamp papers and the complainant paid entire amount of Rs. 1,60,000/-, the accused, who have been impleaded in the present as Respondents refused to execute the sale deed and thus, the whole amount of Rs. 1,60,000/- was misappropriated by the respondents.

4. I have perused the impugned judgment and order, dated 28.02.2017.

5. Learned Court below has, on the analysis of the evidence adduced at the trial held that on that basis criminal liability under Section 420 of the Indian Penal Code can not be made out. Learned Court below has recorded that the dispute remained unanswered as to which side was responsible for non-execution of the sale deed and that such dispute could be resolved before appropriate forum.

6. I do not find any infirmity in the findings recorded by the Court below nor there is any error in the reasoning applied by the court below while recording acquittal of the respondents.

7. I do not find to be a fit case to grant leave to prefer appeal against the impugned judgment and order.



8. This application has no merit and it is, accordingly,
dismissed.

(Chakradhari Sharan Singh, J)

ArunKumar/-

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