

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.1066 of 2014

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1. Heera Devi, w/o Radhakant Mishra, Resident of village -
Bajitpur, Police Station - Kamtaul, District - Darbhanga

.... Petitioner/s

Versus

1. The State of Bihar

.....Opposite Party-1st Set

2. Upendra Yadav, S/o Late Rameshwar Yadav, Resident of
village - Bajipur, Police Station - Kamtaul, District -
Darbhanga

.....Opposite Party-2nd Set

3. Ajay Kumar Yadav, S/o Harish Chandra Yadav, Resident
of village - Bajipur, Police Station - Kamtaul, District -
Darbhanga

4. Ghanshyam Mishra, S/o Rahakant Mishra, Resident of
village - Bajipur, Police Station - Kamtaul, District -
Darbhanga

5. Palat Yadav, S/o Phuncho Yadav, Resident of village -
Bajipur, Police Station - Kamtaul, District - Darbhanga

6. Kamli Devi, W/o Parmeshwar Paswan, Resident of village
- Bajipur, Police Station - Kamtaul, District - Darbhanga

.....Opposite Party-3rd Set

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Appearance :

For the Petitioner : Mr. Ajay Kumar Thakur
Mr. Ravi Ranjan
Ms. Babita Kumari
Mr. Shashank Shekhar

For the Respondent/s : Mr. Uday Chandra Prasad(App)

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER**

4 28-02-2017 Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor representing the State.

The petitioner is the informant in Kamtaul Police
Station Case No. 01 of 2011, disclosing commission of
offences punishable under Sections 420, 467, 468, 120-B
read with Section 34 of the Indian Penal Code. She is



aggrieved by an order, dated 02.09.2014, passed by learned Ad hoc Additional Sessions Judge IV, Darbhanga, in Criminal Revision No. 448 of 2013, whereby he has set aside the order passed by learned Judicial Magistrate, 1st Class, Darbhanga, dated 10.06.2013, passed in G. R. No. 005 of 2011/Trial No. 1470 of 2011, arising out of the said Kamtaul Police Station Case No. 01 of 2011.

The points for adjudication of the present matter are short. The petitioner had filed a complaint case, bearing No. 2464 of 2010. Based on the said complaint petition, Kamtaul Police Station Case No. 01 of 2011 came to be registered under Section 156 (3) of the Code of Criminal Procedure, 1973. The allegation against the accused persons is that they created a forged sale deed executed by the accused Ghanshyam Mishra, in favour of other accused persons, which, in fact, belongs to the complainant/informant. It is also alleged that the said Ghanshyam Mishra has executed a deed of transfer of land which belong to the daughter of the complainant/informant.

The Police submitted charge sheet after completion of investigation whereafter the learned Judicial Magistrate, 1st Class, Darbhanga, took cognizance of the offence punishable under Sections 420, 467, 468, 120-B



read with Section 34 of the Indian Penal Code and summoned the opposite parties herein. The accused persons subsequently filed an application for their discharge under Section 239 of the Code of Criminal Procedure, which came to be rejected by an order, dated 10.06.2013. A revision application was preferred against the said order of the Judicial Magistrate, 1st Class, Darbhanga, in the Court of the learned Sessions Judge, Darbhanga, which gave rise to Criminal Revision No. 448 of 2013. The said Criminal Revision No. 448 of 2013 came to be finally decided by the impugned order, dated 02.09.2014, by learned *Ad hoc* Additional Sessions Judge, Darbhanga, whereby he has allowed the revision application, set aside the order of the learned Judicial Magistrate, 1st Class, Darbhanga, dated 10.06.2013, and thereby allowed application for discharge under Section 239 of the Code of Criminal Procedure.

Learned Counsel appearing on behalf of the petitioner, assailing the impugned order, has submitted that the revisional court below failed to appreciate that the allegations made in the complaint petition did constitute offence under various sections of the Indian Penal Code including Sections 420, 467 and 468 of the Indian Penal Code and, therefore, the impugned order is not tenable in



law.

I have carefully examined the legality of the order under challenge. The case of the prosecution is based on the allegation that the opposite parties got executed sale deed with respect to the land of the petitioner, showing themselves to be the owner of the said land. I do not think that on the basis of the said allegation, offence can be said to be made out under Sections 420, 467, 4658, 120-B read with Section 34 of the Indian Penal Code. I do not find any illegality in the impugned order.

This application has no merit and it is accordingly dismissed.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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