

IN THE HIGH COURT OF JUDICATURE AT PATNA

SLA No.17 of 2017

Arising Out of PS.Case No. -null Year- null Thana -null District- SASARAM (ROHTAS)

- =====
1. Chandrashekhar Singh Son of late Nanhku Singh resident of Vill- Kochas , P.S. - Kochas, Distt- Rohtas at Sasaram.

.... Appellant

Versus

1. The State of Bihar.
2. Prabhu Sah Son of Triveni Sah resident of Vill- Kochas , P.S. - Kochas, Distt- Rohtas at Sasaram.

.... Respondents

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Appearance :

For the Appellant : Mr. Rajnish Kumar Dubey
Mr. Ashok Kumar Pandey
For the Respondent/s : Mr. Zeyaul Hoda

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

JUDGMENT AND ORDER
ORAL

Date: 18-04-2017

Heard learned Counsel for the parties concerned.

2. The petitioner seeks leave to appeal against the judgment of acquittal, dated 12.01.2017, passed, in Complaint Case No. 138 of 2012 (Trial No. 147 of 2017), by learned Additional Chief Judicial Magistrate, Rohtas, at Sasaram, of the charge punishable under Section 420 and 406 of the Indian Penal Code.

3. A complaint petition filed by the petitioner, giving rise to Complaint Case No. 138 of 2012, is the basis of registration of the trial, numbered as Trial No. 147 of



2017. The Opposite Party No. 2 was put on trial for commission of offence punishable under the aforesaid sections of the Indian Penal Code.

4. The case of the prosecution, as narrated in the complaint case, was that the complainant had paid an advance, to the tune of Rs. 45,000/-, to Opposite Party No. 2 for purchase of a land, appertaining to Khata No. 752, Plot No. 82, area 09 decimals, situated in mouza Kochas, against the total consideration amount of Rs. 5,05,000/-. The Opposite Party No. 2 is said to have issued a receipt on a blank paper and had assured to execute sale deed in February, 2009. He, however, refused to do so. Subsequently, the complainant-petitioner learnt that Opposite Party No. 2 had secretly transferred the said land to someone else and when the petitioner asked for return of the advance amount, Opposite Party No. 2 refused to do so.

5. At the trial, 5 (five) prosecution witnesses were examined and certain documents were exhibited.

6. Learned Court below, upon analysis of the evidence on record, felt that there was no evidence of any intention of cheating at the very inception of the agreement. The learned Court below also noticed that it was not the case of the complainant that at the time of parting away with the said advance amount, he was induced by the



accused to do so.

7. I do not find any error in the findings recorded by the learned Court below acquitting Opposite Party No. 2. This is not a fit case for grant of leave to appeal. This application is accordingly rejected.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	26.04.2017
Transmission Date	26.04.2017

