

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.30300 of 2013

Arising Out of Complaint Case No. -473 Year- 2008 Thana Maranchi District- PATNA

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1. Rajeev Ranjan Kumar Singh Son of Sri Shashidhar Prasad Singh, resident of village- Maranchi English Police Station- Maranchi, District- Patna.
2. Shashidhar Prasad Singh Son of Late Chandrika Prasad Singh, resident of village- Maranchi English Police Station- Maranchi, District- Patna.
3. Rahul Kumar Son of Shashidhar Prasad Singh, resident of village- Maranchi English Police Station- Maranchi, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Chandra Peer Prasad Singh Son of Late Sachchida Nand Prasad Singh, resident of village- Maranchi English, Police Station- Maranchi, District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Mr. H.Ahmad Khan, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 12-10-2017

1. This criminal miscellaneous application under section 482 of the Code of Criminal Procedure has been filed to quash the order dated 30.04.2013 passed by the learned Sub-Divisional Judicial Magistrate, Barh in Complaint Case No. C473 of 2008 whereby and whereunder the learned Sub-Divisional Judicial Magistrate refused to discharge the petitioners from the offence in question.

2. Heard the learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

3. On perusal of complaint petition I find that the complainant *inter alia* has alleged that accused persons, who are



petitioners in this case, made interpolation in the registered deed of gift dated 21.12.1977 executed by Sri Hriday Narayan Singh in favour of Smt. Meera Devi. The petitioner no. 2 Shashidhar Prasad Singh is the husband of donee Meera Devi and petitioner nos. 1 and 3 are sons of petitioner no. 2. It has been alleged that all the petitioners in order to deprive the opposite party no. 2 from his due share in plot no. 13 of Khata No. 116, made interpolation by converting 7½ decimal into 70½ decimal. The petitioners after making interpolation and overwriting in the said plot number, filed gift deed before the Settlement Officer for getting their names recorded over the said plot.

4. From perusal of Lower Court Records it appears that the complainant filed certified copy of said deed of gift dated 21.12.1977 wherein the area of plot no. 13 has been mentioned as 7 ½ decimal however in the original deed of gift, the area of plot no. 13 has been mentioned as 70½ decimal. The area of plot no. 13 mentioned in certified copy is quite different to the area mentioned in copy of original deed of gift produced on behalf of the petitioners. The petitioners admittedly are beneficiaries of said document and if it is found that some forgery has been committed in original deed of gift, the beneficiary is liable to explain this fact. The Court below finding *prima facie* case for committing fraud and forgery by making interpolation in the deed of gift, has rightly refused to discharge the



petitioners from the offence in question.

5. In view of the above facts, I do not find any merit in this criminal miscellaneous application. Accordingly, this application is dismissed. Let a copy of this order along with record be sent to the court below.

(Sanjay Kumar, J)

Mahesh/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	05.11.2017
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