

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39428 of 2014

Arising Out of PS.Case No. -1034 Year- 2011 Thana -KHAGARIA COMPALINT CASE District-
KHAGARIA

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Umesh Singh S/o Late Babu Kesho Singh Resident of Village-Shaharkundi,
P.S.-Mansi, District-Khagaria.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Binod Kumar

For the Opposite Party : Mr. Nawal Kishor Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

5 06-11-2017 Heard learned Counsel for the petitioner as well as the
learned Counsel for the State.

The petitioner seeks quashing of the cognizance order dated 19.2.2014 passed by the learned SDJM, Khagaria, in Complaint Case No. 1034(C) of 2011, thereby taking cognizance of the offence 417 and 471 of the IPC.

The brief fact giving rise to the case is that a complaint was filed by the complainant (Opposite party No. 2) alleging therein that sale deed of land in question was suspected to be stolen by the petitioner and thereafter a false affidavit was sworn in the name of the complainant declaring therein both sons of the petitioner as his successor, thereafter on the basis of that forged document, mutation of the purchased land of the complainant was made in favour of both sons of the petitioner. Knowing this fact of mutation, thereafter copy



of the affidavit was obtained by the complainant and he found that by committing such forgery the purchased land of the complainant has been grabbed.

Learned Counsel appearing on behalf of the petitioner submits that except suspicion there is no other material against the petitioner. In fact, the land in question was purchased by the petitioner but later on transferred by a sale deed in favour of the complainant and already a Title Suit is going on between both sides and therefore it is a civil dispute.

Contrary to that, learned Counsel appearing on behalf of the State submits that there is also statement in the petition by the petitioner that he had transferred the said land in question in favour of the complainant and thereafter it is stated that the said land was mortgaged in favour of the petitioner. However, the land cannot be transferred or succeeded by the sons of the petitioner.

Having considered the rival submissions and on perusal of the records the allegations prima facie do make out the ingredients of the offence under which cognizance has been taken. So there is no ground for interfering with the cognizance order.

Accordingly, the application stands dismissed.

Snkumar/-

(Arun Kumar, J.)

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