

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 155 of 2017

- Smt. Gomti Bai Gond, W/o Late Jagdish, Aged About 36 Years, Caste Gond, R/o Village Pipalpara, Kohdiya, Police Chowki C. S. E. B. , Korba, Tehsil And District Korba (Chhattisgarh).

---- Petitioner

Versus

1. Laxman Shrivastava, Aged About 45 Years, Ward Parshad No. 11, Caste Shrivastava (Nai), R/o Dhodhopara, Police Station, Tehsil And District Korba (Chhattisgarh).
2. Rajkumar Miri, S/o Not known, Aged About 52 Years, R/o Dingapur, Korba, Police Station, Tehsil And District Korba (Chhattisgarh).

---- Respondents

For Petitioner : Shri Govind Dewangan, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

17/03/2017

1. Heard.
2. This petition under Section 482 of the CrPC has been filed against the order dated 30/09/2016 passed by the First Additional Sessions Judge, Korba, District Korba (C.G.) dismissing revision petition against the order dated 17/09/2014 passed by the Chief Judicial Magistrate, Korba dismissing the complaint as frivolous.
3. Learned counsel for the petitioner argues that even though a prima facie case was made out in view of the allegation made in the complaint as also the statement of the complainant and her witnesses, the Courts below have not taken cognizance and therefore serious miscarriage of justice has taken place.
4. After going through the order of the learned revisional Court, I find that learned revisional Court very meticulously examined the statement of the complainant, preliminary statement of the complainant and witnesses and has recorded finding that the allegations are not worth taking cognizance of alleged offence, because the petitioner has not produced any evidence

which prima facie shows that she belongs to reserve category. The Courts below have held that the statement regarding the manner in which threat was administered, is also contradictory. A conjoint reading of petitioner/complainant statement and her witnesses, there is no material found by the Courts below which prima facie shows that the petitioner had a right to possess the land and what abusive word was hurled, is clearly not stated in the complaint. For those reasons, both the Courts below did not find a case for registration of offence putting the non-applicant to agony of criminal case. Therefore, in view of the above, I do not find any reason for interference in exercise of power under Section 482 of the CrPC.

5. Accordingly, this petition is dismissed.

Sd/-

(Manindra Mohan Shrivastava)
Judge