

HIGH COURT OF CHHATTISGARH, BILASPUR

CR.M.P. No. 214 of 2017

Sukumar Chaudhary, S/o. Late Shiv Narayan Chaudhary, Aged About 60 Years, R/o. Village Tongpal, Police Station Tongpal, District Sukma, Chhattisgarh.

---- Petitioner

Versus

1. Rajesh Kumar Agrawal, S/o Shri Hanuman Prasad Agrawal, Aged About 50 Years, At That Time Branch Manager, M/s. Jaika Auto Mobile & Finance Pvt. Ltd., Semi Urban Industrial Area, Nayamunda, B.S.N.L. Road, Jagdalpur, District Bastar, Chhattisgarh., At Present Manager Balaji Motors, Near Balaji Cold Storage, Pandripani, Gidam Road, Jagdalpur, District Bastar, Chhattisgarh.
2. Santosh Pandey, S/o. Shri H.N. Pandey, Aged About 35 Years, Branch Manager Shri Ram Transport Finance Limited, Gidam Road, Jagdalpur, Police Station City Kotwali, Jagdalpur, District Bastar, Chhattisgarh, Permanent Address Metguda (Methguda) Jagdalpur, Police Station Bhaudhghat Jagdalpur, Chhattisgarh.

-----Respondents

For Petitioner	: Mr. Subhash Yadav, Advocate
For Respondent No.1	: Mr. Shobhit Koshta, Advocate
For Respondent No.2	: Ms. Sarina Khan, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

16/08/2017

Heard.

1. Counsel for the petitioner submits that petitioner filed a complaint before the trial Court on the basis of which, cognizance was taken against the respondents for trial of offence under Section 420 of I.P.C..

Respondents filed an application under Section 245 of Cr.P.C. praying for order of their discharge. Trial Court considered this application and passed the order dated 08.03.2016 by allowing the application and discharged the respondents. Petitioner preferred a revision against this order, revisional Court by order dated dated 03.10.2016 vide Annexure P/1 has dismissed the revision petition. Hence this petition.

2. It is submitted by the counsel for the petitioner that both the Courts below have failed to consider that at the stage of framing of charge, the statement in cross-examination of witness can not be looked into as the statement in cross-examination is the statement in support of defence. Reliance has been placed in case of ***Hem Chand Vs. State of Jharkhand***, reported in ***(2008) 5 Supreme Court Cases 113***.
3. Counsel for the respondents submits that case is purely of civil nature being transaction for purchase of vehicle. It is submitted that petitioner has also moved an application before the District Consumer Dispute Redressal Forum, Jagdalpur, in which his application was dismissed but he has succeeded in appeal before the State Consumer Dispute Redressal Commission according to which, the vehicle seized from him by the respondents has been ordered to be returned. Hence petitioner has no case.
4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. The allegation of petitioner in the complaint is this that he purchased one vehicle from the respondent No.1 on finance provided by respondent No.2, but he was not provided with necessary papers, even after demanding time and again, because of which he could not get the registration done of the vehicle purchased, hence he returned

the vehicle and demanded for the amount deposited by him, which was not returned to him. On going through the contents of the complaint, it is clearly made out that it had been case of failed transaction between the petitioner and respondents, which does not have a colour of any criminal act, hence the order passed by the Court below does not suffer from any infirmity. This case is not a fit case to be admitted for hearing, accordingly it is dismissed at the motion stage itself.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram