

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Misc. Petition No.542 of 2016**

Shailesh Lillariya son of Dharmu Lillariya, aged about 44 years, R/o Block No.11, Plot No.3, Nehru Nagar (East), Bhilai, Tehsil and District Durg (CG).

----Petitioner

Versus

1. Banwari Lal Choukse S/o Late Puran Lal Choukse R/o Qtr. No. M.I.G. 2/8, Borsi Housing Board, Borsi, Tahsil And District Durg Chhattisgarh.
2. Manoj S/o Banwari Choukse R/o Housing Board, Borsi, District Durg Chhattisgarh.
3. State Of Chhattisgarh Through Police Station Bhilai Nagar, District Durg Chhattisgarh.

---- Respondents

For petitioner
For respondents No.1&2
For respondent/State

Shri Raghvendra Pradhan, Advocate.
Shri Arvind Dubey, Advocate.
Shri Bhaskar Pyasi, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

16/02/2017

1. The present petition has been filed assailing the order dated 08.04.2016 passed by the Illrd Additional Sessions Judge, Durg, whereby the court below has rejected/dismissed the application preferred by the petitioner under Section 151 CPC.
2. The case in brief is that there was a dispute between the petitioner and the respondents in respect of the property. The matter was seized under Section 145 CrPC by the SDM, Bhilai, District Durg. The SDM vide order dated 21.05.2009 has ordered that respondent No.1 is in possession of the disputed shop. The said order of SDM is under challenge before the 3rd Additional Sessions Judge, Durg, which is still pending consideration.

3. Meanwhile, the present petitioner has filed an application under Section 151 CPC requesting the revisional court for taking some documents on record which has been rejected by the court below, leading to filing of this petition.
4. A perusal of impugned order shows that the court below has rejected the application only on the ground that since these documents were not placed before the SDM whose order is under challenge and the order having been passed without considering these documents, the same cannot be permitted to be placed on record before the revisional court. Perusal of the present CrMP shows that it does not have the documents which the petitioner intends to be brought on record. Neither is there any ground to show the relevancy of those documents in the proceeding before the court below.
5. In the absence of any such document, no case is made out for interference with the order passed by the 3rd Additional Sessions Judge, Durg, rejecting the application under Section 151 CPC.
6. Accordingly, the petition being devoid of merit is liable to be and is hereby dismissed.

Sd/-
(P.Sam Koshy)
Judge