

**HIGH COURT OF CHHATTISGARH, BILASPUR****CRMP No. 877 of 2017**

- Gurdeep Singh S/o Shri Keshar Singh Aged About 58 Years Swami Keshar Traders Charoda, R/o Charoda, Police Station Purani Bhilai-3, Tahsil And District Durg Chhattisgarh. **--- Petitioner**

**Versus**

1. Dilip Hinduja S/o Late Shri Tikamdas Hinduja R/o New Shanti Nagar, Raipur, Tahsil And District Raipur Chhattisgarh.
2. State of Chhattisgarh Through The District Magistrate, Durg, District Durg Chhattisgarh. **--- Respondents**

---

|                        |   |                              |
|------------------------|---|------------------------------|
| For the Petitioner     | : | Mr. T. K. Jha, Advocate      |
| For non-applicant No.1 | : | Mr. Awadh Tripathi, Advocate |
| For the State/R-2      | : | Mr. Ashish Shukla, Advocate  |

---

**Hon'ble Shri Justice Goutam Bhaduri****Order on Board****24.10.2017**

1. This petition is against the order dated 20.06.2017 passed by the VIII Addl. Sessions Judge, Durg (C.G) whereby the revision preferred by petitioner Gurudeep Singh being Criminal Revision No.109/2015 was dismissed.
2. Brief facts of the case are that on a complaint filed by respondent no.1 Dilip Hinduja, the case was registered by order dated 17.7.2015 passed by the JMFC, Bhilai. The said order was subject of challenge in revision before the Additional Sessions Judge, Durg, which was also dismissed by order dated 20.06.2017 and against such order, this revision has been filed.
3. Respondent no.1 had filed a complaint that his relations namely Idan Das and cousin brother Kewal Ram had

purchased a land in the year 1962 at village Charoda bearing Khasra No.463/2 and 463/3 plot nos.13, 15 and 18. thereafter, their names were recorded in the revenue records. Subsequently since there was some defect in the demarcation of the boundaries, Laxman Das one of the other relative who was known to Gurudeep Singh, the petitioner herein had handed over the *Rin-Pustika* and other documents for correction of demarcation. Subsequently, though the original documents which were given were called, but were not returned by Gurudeep Singh by saying that the documents have been lost. It was further stated that Laxman Das, the brother of respondent No.1 had given the document to Gurudeep Singh. It was alleged that the petitioner Gurudeep Singh along-with one Roop Singh Verma without any order of the competent authorities manipulated and tampered the *Rin-Pustika*. Thereafter Gurudeep Singh the petitioner along-with one Charan Singh on the basis of power of attorney sold the land in favour of Kesri Begum and fabricated gift deed was executed. The matter was reported to the police at Bhilai. After investigation, the charge sheet was filed against Shakeel Khan and Kesri Begum whereas the present petitioner was left out. Therefore, a private complaint was filed against Gurudeep Singh which was registered by the JMFC. It was alleged that in the year 2008 one Shakeel Khan was raising construction over the said land which was objected and having enquired it was revealed that in the year 2009 that the power of attorney was given by Laxman Das and Kewal Ram to him to develop the land. Subsequently, Shakeel Khan and Nasim Khan were raising

construction which led to a revenue dispute before the Tahasildar in the year 2011 wherein certain documents were produced by Shakeel Khan wherein it was revealed that on the basis of power of attorney dated 30.11.1994 the land was sold to Kesri Begum. It was alleged that thereafter, it came to fore that on the basis of forged power of attorney, Mohd. Shakeel and Gurudeep Singh had executed the sale deed and the forged power of attorney came into existence on the basis of which the sale was executed. It was also alleged that forged entries were made in *Rin Pustika* by Gurudeep in connivance with Shakeel Khan and Roop Singh Verma.

4. Learned counsel for the petitioner would submit that initially the report was made by the respondent No.1 but after thorough investigation the police did not find any evidence against the present petitioner and only the charge sheet was filed against Shakeel Khan and Kesri Begum. It is contended that on the basis of a private complaint which was subsequently filed, the complaint was registered and no evidence is existing against the present petitioner, therefore, the order of taking cognizance is completely bad in law which requires interference by this Court.
5. In this case, reply has been filed on behalf of the State wherein it is stated that in *Rin Pustika* which was relied upon the name of original land owner Idan Das was erased who was elder father of the complainant without there being any permission from the competent authority. It is further contended that the same was done in collusion with the concerned Halka Patwari Roop Singh Verma since the

revenue records were in possession of the accused, the petitioner.

6. The records prima facie would show that the learned Magistrate after appreciating the entire evidence and documents produced before it by the complainant found that no power of attorney was executed by the original land owners namely Idan Das and Kewal Das in favour of Mohd. Shakeel Khan who subsequently sold the same to Kesri Begum and has registered the case. The connivance and role of the petitioner was very much found in such transactions. The overall documents prima facie show that there was enough material to take cognizance by the Judicial Magistrate for issuing the process against the petitioner. The complaint would show that it is also under section 120-B of IPC read with other sections of IPC. Therefore, at this stage, it is not proper for this court to disturb the finding of fact which prima facie has been found to be against the petitioner in exercise of power u/s 482 Cr.P.C., The said finding of fact can only be negated by the petitioner before the court below by demolishing the evidence. Consequently I am not inclined to interfere with the impugned orders passed by the courts below. Accordingly, this petition is dismissed at the motion stage.

**Sd/-**

**GOUTAM BHADURI  
JUDGE**