

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1014 of 2016**

1. Tijau S/o Suklal Satnami Aged About 60 Years.
2. Sundar Lal S/o Suklal Satnami Aged About 48 Years.
3. Panchbai S/o Mangla Satnami Aged About 50 Years.
4. Sushil S/o Mangla Satnami Aged About 25 Years.
5. Sonu S/o Mangla Satnami Aged About 22 Years.
6. Minor Sakat S/o Mangla Satnami Aged About 14 Years.
7. Minor Gophe S/o Mangla Satnami Aged About 11 Years.
8. Minor Sumitra S/o Mangla Satnami Aged About 10 Years.

No.6 to 8 are minor, through natural guardian mother Panch Bai Wd/o Mangla Satnami.

All are R/o Village Acchholi, Police Station & Tahsil Palari, District Baloda Bazar- Bhatapara, Chhattisgarh.

---- Petitioners

Versus

1. Sukalu S/o Suklal Satnami Aged About 80 Years R/o Village Acchholi, Police Station & Tahsil Palari, District Baloda- Bazar- Bhatapara, Chhattisgarh
2. State Of Chhattisgarh Through District Magistrate Baloda Bazar, District Baloda Bazar Bhatapara, Chhattisgarh.

---- Respondents

For petitioners- Shri Umesh Pandey, Advocate.
For State- Shri Ramakant Pandey, PL.

Hon'ble Shri Justice Goutam Bhaduri**Order****02/11/2017**

1. Instant revision is against the order dated 16/08/2016 passed by the First Additional Sessions Judge, Baloda Bazar in Criminal Revision No.05/2016. Said revision was preferred by the petitioners herein who are non-applicants before the SDO in Criminal Case No.02/2015 wherein order dated 7/12/2015 was passed and the petitioners herein were directed to hand over the possession of the land.
2. Facts as would reveal in the order that an application filed under Section 145 & 146 of Cr.P.C. by the respondent herein Sukalu that in respect of land bearing Khasra No.70/3 admeasuring 1214 hectare which

belong to the respondent, petitioners herein got their name registered. Against that an appeal was filed before the SDO, Baloda Bazar by the respondent which was allowed. However, non-applicants therein i.e. petitioners herein did not hand over the possession of the land. Consequently, civil suit was filed before the Civil Judge, Class-I, Baloda Bazar wherein decree was passed in favour of the respondent. Being aggrieved by such decree, an appeal was preferred before the Additional District Judge which too was dismissed and eventually second appeal which was preferred before the High Court was dismissed by an order dated 24/09/2014. Subsequently, the possession since was registered an application was filed before the SDO by the respondent and the SDO by its order directed that possession of the land be handed over to the respondent in presence of Sarpanch, Patel and renowned persons of the village. Said order of the SDO was subject of challenge before the revisional court and the revisional court also dismissed the same. Since as appears that judgment and decree was passed in favour of the respondent that maintained in second appeal also and the respondent was found to be the owner of land. The SDO pursuant to the application filed by the respondent has directed for handing over possession which was assailed before the revisional court and the revisional court also dismissed the revision. After reading of the order and the record, I do not find any case is made out to invoke jurisdiction under Section 482 of Cr.P.C. If possession is still being disturbed, it will amount to review of the order passed by the civil court which was affirmed uptill the High Court.

3. Consequently, the petition has no merit and it is dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE

