

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.3694 of 2015

Arising Out of PS.Case No. -113 Year- 2012 Thana -SASARAM NAGAR District- SASARAM
(ROHTAS)

- =====
1. Sanjay Kumar,
 2. Ajay Kumar, both sons of late Satya Narayan Singh,
 3. Sri Bhagwan Singh, son of late Ram Deni Singh, all resident of Mohalla Takiya, Ward No. 3, P.S. Sasaram (Model) District Rohtas

.... Petitioner/s

Versus

1. The State of Bihar
2. Dr. Sanjay Anand, son of Sri Kashinath Singh, resident of Mohalla- Nauranangi Colony- Fazalganj- P.S. Sasaram (Model), District- Rohtas

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Prasad, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyaya, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 02-07-2018

This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 29.11.2014 passed by the Additional Sessions Judge, 4th, Rohtas, at Sasaram, in Criminal Revision No.115 of 2013, by which he has dismissed the revision application filed against the order dated 15.01.2013 passed by the Chief Judicial Magistrate, Rohtas at Sasaram, in connection with Sasaram (Model) P.S. Case No.113 of 2012.

It is alleged in the Complaint Petition that the petitioners executed two registered sale deed on 11.08.2010 with



respect to 21 decimal land, as mentioned in the Complaint Petition, to the Opposite Party No.2. Another sale deed was executed in the name of Dr. Punam Kumari, wife of Opposite Party No.2 for the same plot. It is alleged that out of 42 decimals land, six decimal lands in the name of the informant's wife was not mutated because the same was already sold in 1996 by the father of Petitioner No.3 to one Shailesh Kumar Chaturvedi and his wife.

The police after investigation submitted charge-sheet for the offence under Section(s) 406, 420, 120-B Indian Penal Code. The Court below on the basis of charge-sheet submitted by the police has taken cognizance against the petitioners for the offence under Section(s) 406, 420, 120-B Indian Penal Code by order dated 25.09.2012.

Aforesaid order of cognizance was challenged by the petitioner by filing Criminal Revision vide Criminal Revision No.115 of 2013, which was dismissed by the learned Additional Sessions Judge, 4th, Rohtas at Sasaram, by order dated 29.11.2014.

Counsel for the petitioner has submitted that he has paid rupees four lac to the Complainant in terms of the order passed by the learned Court in the bail petition filed on behalf of the petitioners vide B.P. No.783 of 2012 dated 23.07.2012. Counsel for the petitioner has filed Supplementary Affidavit and submitted that



the Complainant has already received the amount.

Counsel for the petitioner has submitted that this is a matter of civil dispute. He has relied on the decision of this Court in the case of *Kumar Sonu @ Sonu @ Pandit Vs. State of Bihar* reported in *2018(2) PLJR 480*.

This Court finds that the facts mentioned in the aforesaid case was quite different from the instant case.

In the instant case, there is allegation against the petitioners that they have executed sale deed in favour of wife of the Opposite Party No.2 in 2010 with respect to the land, which was already sold by his father in 1996, and has caused wrongful loss to the Complainant. The Complainant went for mutation then mutation was not done. The petitioner had filed Criminal Revision No.115 of 2013 against the order of cognizance passed by the Magistrate, which was rejected by the Additional Sessions Judge, 4th, Rohtas at Sasaram, by a speaking order.

Therefore, this Court is not inclined to interfere with the impugned orders passed by the learned Court below.

This application is, accordingly, **dismissed**.

The petitioners are given liberty to raise all the points, as raised in the present application, at the time of framing of Charge, which shall be considered and disposed off by the learned Court



below in accordance with law without being prejudiced by this order.

(Sanjay Priya, J)

J.Alam/-

AFR/NAFR	AFR
CAV DATE	N/A
Uploading Date	11-07-2018
Transmission Date	11-07-2018

