

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Misc. Petition No.201 of 2018**

- Vipin Bihari S/o Rambhajanlal Agrawal Aged About 48 Years R/o Village Dataan, Current Address Palari, District Baloda Bazar Chhattisgarh

---- Petitioner**Versus**

1. Bholaram S/o Bisram Sahu Aged About 40 Years R/o Village Dataan, Police Station And Tahsil Palari, District Baloda Bazar Chhattisgarh
2. Teej Kumar Sahu S/o Mangal Sahu Aged About 42 Years R/o Village Dataan, Police Station And Tahsil Palari, District Baloda Bazar Chhattisgarh
3. Radheshyam Sahu S/o Khorbahara Ram Sahu Aged About 43 Years R/o Village Dataan, Police Station And Tahsil Palari, District Baloda Bazar Chhattisgarh
4. Kejuram Sahu S/o Puran Sahu Aged About 40 Years R/o Village Dataan, Police Station And Tahsil Palari, District Baloda Bazar Chhattisgarh
5. Bhagela Sahu W/o Patram Sahu R/o Village Dataan, Police Station And Tahsil Palari, District Baloda Bazar Chhattisgarh
6. Rajim Bai C/o Bisram Sahu Aged About 65 Years R/o Village Dataan, Police Station And Tahsil Palari, District Baloda Bazar Chhattisgarh
7. Nakul S/o Bisram Sahu Aged About 35 Years R/o Village Dataan, Police Station And Tahsil Palari, District Baloda Bazar Chhattisgarh
8. Mahesh Kumar Halka Patwari, Patwari Halka No. 21, R/o Village Dataan, Police Station And Tahsil Palari, District Baloda Bazar Chhattisgarh

---- Respondents

For the Petitioner	: Shri Prateek Sharma and Shri Himanshu Sinha, Advocates
For respondents 1 to 7	: Shri Shobhit Koshta, Advocate
For respondent No.8	: None

Hon'ble Shri Justice Ram Prasanna Sharma
Order On Board

27.11.2018.

1. Heard on IA No.02/2018 for condonation of delay in filing the instant CrMP.

2. For the reasons mentioned in the application, the same is allowed and the delay of 50 days in filing the petition is hereby condoned.

3. Also heard on application for grant of leave to appeal under Section 378(4) of CrPC.

4. This petition has been preferred against judgment dated 27.9.2017 passed by Chief Judicial Magistrate, Baloda Bazar, (CG) in Criminal Case No.1244/2014 wherein the said Court acquitted all the respondents for commission of offence under Sections 466, 468, 471 & 474 read with Section 34 of the Indian Penal Code, 1860.

5. As per the case of the petitioner, respondent No.8 Mahesh Kumar is Patwari of Partwari Halka No.21 village Datan and he has deliberately changed the record of right of the petitioner bearing survey No.337/2 area 0.392 hectare into survey No.314/2. Further case of the petitioner is that rest of the 7 respondents are involved in abatement for changing the record of the rights.

6. To substantiate the charges the petitioner examined himself and two other witnesses but no one deposed before the trial Court that respondent No.8 Mahesh has manipulated the said record of the rights. It is contended on behalf of the petitioner that respondent No.8 was suspended by Sub Divisional Officer (Revenue) Baloda Bazar but the suspension order was not produced before the trial Court, therefore, it is not established that any such suspension order was made on account of fabrication of the record.

7. As per the version of the respondents side, it is a dispute regarding demarcation because land of the petitioner bearing survey No.337/2 area 0.392 hectare is adjoining to land bearing survey

No.337/14 area 0.487 hectare which is owned by respondent No.6 Rajim Bai and civil proceedings between the parties are on in the civil Court.

8. The trial Court after evaluating the entire evidence came to a conclusion that in absence of sufficient evidence charges are not established that any forgery has been committed or forged document has been used as genuine. After reassessing the evidence, this Court has no reason to substitute a contrary finding. It is not a case where the respondents should be called for full consideration of the petition.

9. Accordingly, the application for leave to appeal is rejected. Consequently, the CrMP stands dismissed.

Sd/-
(Ram Prasanna Sharma)
JUDGE