

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1587 of 2018**

State of Chhattisgarh, through- Police Station Khamtarai, District- Raipur (C.G.)

---- **Petitioner**

Versus

M. Revti Rao, W/o M. Jagannath Rao, Aged About 50 Years, R/o- Shivanand Nagar, Sector 1 Shivanand Nagar, Police Station Khamtarai, District- Raipur (C.G.)

---- **Respondent**

 For State/ Petitioner : Mrs. M. Asha, Panel Lawyer.
 For Respondent : None.

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

26/10/2018

1. Heard on I.A. No. 01/2018, application for condonation of delay in filing the petition which is supported with an affidavit of Swapan Chowdhury.
2. For the reasons mentioned in the application and as per the law laid down by Hon'ble the Apex Court in the matter of **State of Haryana Vs. Chandra Mani & others** reported in **(1996) 3 SCC 132**, the delay of 45 days in filing the petition is condoned.
3. Heard on application for grant of leave to appeal filed under Section 378(3) of the Code of Criminal Procedure, 1973.
4. This petition is preferred against judgment dated 20.02.2018 passed by Judicial Magistrate First Class, Raipur (C.G.) in Criminal Case No. 529/2011, wherein the said court acquitted the respondent for commission of offence under Section 448 of IPC.
5. In the present case, name of the complainant is Brijlal Gangwani. As per version of this witness, he purchased house bearing

Khasra No. 442/17 area 1500 sq.ft. situated at Shivanand Nagar, Raipur (C.G.). From his evidence, it is clear that house in question is not registered in his name. It is also clear that the complainant has filed a petition before this Court for possession of the house. Earlier the house was in possession of the respondent. It is not clear from his evidence that the respondent delivered possession of the house to the complainant. In absence of possession of the complainant, there is no evidence that the respondent entered into possession of the complainant with intent to commit the offence or to intimidate, insult or annoy him.

6. The trial court has elaborately discussed the entire evidence and this Court has no reason to record contrary finding. It is not a case where respondent should be called for hearing again for full consideration of this petition. Accordingly, application for grant of leave to appeal is rejected.
7. Consequently, the petition stands dismissed at motion stage itself.

Sd/-
(Ram Prasanna Sharma)
Judge