

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1773 of 2018

1. Sitaram Verma S/o Dukaluram Verma Aged About 64 Years R/o Village Suhela, Tahsil Simga, District Baloda Bazar-Bhatapara Chhattisgarh
2. Ripusudan Verma S/o Rikhiram Verma Aged About 54 Years R/o Village Suhela, Tahsil Simga, District Baloda Bazar-Bhatapara Chhattisgarh

---- Petitioners

Versus

- Ghanshyam Nayak S/o Balbhadra Nayak Aged About 57 Years R/o Village Suhela, Tahsil Simga, District Baloda Bazar-Bhatapara Chhattisgarh

---- Respondent

For Petitioner	:	Shri Malay Kumar Bhaduri, Advocate
For State	:	Shri Ashish Shukla, Dy.A.G.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

05/09/2018

Heard on admission.

The order passed by the Revisional Court and the Magistrate is challenged mainly on the ground that the Courts below have refused to take cognizance wrongly holding that no cognizance of the complaint could be taken unless the complaint is made by the Court concerned or authorised person on behalf of the Court as per the requirement under the provisions of Section 195 (b) (1) of IPC.

2. Even if it were to be accepted that there is no such legal requirement, this Court has gone through the complaint submitted before the Magistrate which shows that after having lost in the Civil Court, a complaint has been filed before the Magistrate on the allegation of false evidence which only appears to be an attempt to circumvent the judgment and decree of the Trial Court. Therefore, no case is made out for interference under Section 482 CrPC. The petition is accordingly dismissed.

Sd/-

**(Manindra Mohan Shrivastava)
Judge**