

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.798 of 2016

Arising Out of PS. Case No.-1846 Year-2015 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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Ramrati Devi wife of Baldev Rai, resident of Village- Patehpur Berauna P.S.-
Aurai, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Vinod Jyoti, son of late Yugal Paltan Prasad Rai, @ Yugalpaltan Prasad Rai,
resident of Village- Patehpur Berauna P.S.- Aurai, District- Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Bela Singh

For the Respondent/s : Mr.Smt. Meena Singh

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 13-08-2019 This revision application has been filed against order
dated 2.4.2016 passed by Sukum Kumar Manjhi, Judicial
Magistrate Ist Class, Muzaffarpur in Complaint Case No.1846
of 2015.

Prosecution case in short is that the complainant
-petitioner has filed Complaint Case No.1846 of 2015 stating
therein *inter alia* that the she purchased a land of Khata
No.129, Khesara No.149, Area 81 decimal through sale deed
no.10543 dated 12.5.2002 from Yugal Paltan Prasad Rai and
only Rs.10,000/- was due with Yugal Paltan Prasad Rai and after
the registration, the dues were cleared and her name was
mutated and she took the possession over the land but later on



Title Suit No.414 of 2014 was filed by Vinod Jyoti son of Yugal Paltan Prasad Rai in the court of Sub Judge-I on the ground that Yugal Paltan Prasad Rai has executed a gift deed in favour of his son Vinod Jyoti and accused persons are trying to grab the land of the complainant by hook and crook. After the inquiry, the complainant was examined and three witnesses were examined on behalf of the complainant.

Learned Magistrate after completion of the inquiry found sufficient materials against Yugal Paltan Prasad Rai and directed for issuance of proceeding against him, however, it appears that he has not passed any order with respect to Opposite Party No.2 who is also named as accused in complaint case.

Aforesaid order has been challenged by the learned counsel for the petitioner on the ground that there are materials against Vinod Jyoti but no order has been passed against him, however, after some argument, learned counsel for the petitioner has conceded that there is absolutely nothing available on the record either in the complaint petition or statement of the complaint or statement of the witnesses during inquiry to show that the Opposite Party no.2 has any knowledge about the above sale deed executed in favour of the complaint.



In view of the above facts, deed of gift executed by Yugal Paltan Prasad Rai in favour of Vinod Jyoti is not enough to show criminal intention of the accused Vinod Jyoti, while filing T.S.No.414 of 2014 as such I find no merit in this application.

Accordingly, this revision application is dismissed.

(Vinod Kumar Sinha, J)

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