

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 417 of 2019**

- Matai @ Rahmat Ulla S/o Late Ajamul Khan Aged About 65 Years R/o Quarter No. 853/35 Kunva Bhatta Korba, Ward No. 25 Chowky Manikpur Tahsil And District Korba Chhattisgarh

---- Petitioner**Versus**

- Kausar Ali S/o Late Mod. Mobin (Gamla Wala) Aged About 35 Years R/o Kunva Bhatta Korba, Ward No. 25 Chowky Manikpur Tahsil And District Korba Chhattisgarh

---- Respondent

For Petitioner : Shri Vipin Punjabi and Shri Sunil Verma, Advocates

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****19/02/2019**

1. Heard.
2. The present petition is against the order dated 02/11/2018 passed by Chief Judicial Magistrate, Korba, District Korba (C.G.) in Criminal Revision No. 56/2018, whereby the order dated 30/07/2018 passed by Sessions Judge, Korba (C.G.) dismissing the complaint filed by the petitioner, was affirmed.
3. Learned counsel for the petitioner submits that the respondent Kausar Ali has encroached upon the part of the land belonging to the petitioner by force and thereby has committed the offence. He further submits that when the complaint

was filed the trial Court failed to exercise its jurisdiction and appreciate the evidence of the complainant witness.

4. Perusal of the order of the revisional Court would show that the petitioner and the respondent are uncle and nephew and they were in dispute over certain part of the land. The order impugned reflects that the complainant has failed to produce any evidence or witness to establish the fact that the respondent has encroached and demolish the part of the wall which belonged to the petitioner. The finding of the learned Sessions Judge would show that the complaint and the submissions are too vague and therefore, did not take any cognizance under Section 200 of the Cr.P.C. and affirmed the order of the trial Court, whereby the complaint was dismissed. Considering such finding, it appears that as no statement is also before this court to appreciate this facts, this court is not inclined to exercise its jurisdiction to interfere with such finding of fact in exercise of powers under Section 482 Cr.P.C.
5. This petition has no merit it is accordingly dismissed.

Sd/-

Goutam Bhaduri
Judge

Ashu