

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No. 179 of 2009

Judgment reserved on 14-11-2018

Judgment delivered on 16-01-2019

Natwarlal Agrawal S/o. Late Radhakrishan Agrawal, Aged about 32 years, Occupation Business, R/o. Gourishanker Mandir Road, Raigarh (C.G.) ---- **Applicant**

Versus

- 1. Narendra Juneja S/o. Shri Kishanlal Juneja, aged about 35 years, R/o. Jagatpur Raigarh, Tahsil and District Raigarh (C.G.)
- 2. State of Chhattisgarh, Through Station House Officer, Chakradhar Nagar, Raigarh Tahsil and District Raigarh (C.G.)

---- **Respondents**

Along with

Criminal Revision No. 290 of 2009

Natwarlal Agrawal S/o. Late Radhakrishan Agrawal, Aged about 32 years, Occupation Business, R/o. Gourishanker Mandir Road, Raigarh (C.G.) ---- **Applicant**

Versus

- 1. Ravishankar Sahu S/o. Dr. T.R. Sahu, Aged about 46 years, R/o. Jagatpur, Raigarh, Tahsil and District Raigarh (C.G.)
- 2. State of Chhattisgarh through Station House Officer, Chakradhar Nagar, Raigarh, Tahsil and District Raigarh (C.G.)

---- **Respondent**

For Applicant	:	None
For Respondent No.1	:	Mr. Afroj Khan, Advocate in CRR No. 179 of 2009
For Respondent No.1	:	Mr. S.N. Nande, Advocate in CRR No. 290 of 2009
For Respondent No.2	:	Ms. M. Asha, Panel Lawyer

Hon'ble Smt. Justice Vimla Singh Kapoor

CAV Judgment

Since both the revision petitions arise out of the same order dated 29.01.2009, passed by Additional Sessions Judge Raigarh, they are being disposed of by this common order.

2. Facts of the case in brief, are that the applicant filed a complaint case against the non-applicant No.1 under Section 420,467,468 and 471 IPC. The complainant/applicant purchased a land from accused Neeraj Mittal on 16.06.2008, admeasuring 0.052 hectare from Khasra No. 154/1(kh)/3 situate at village Banjinpli in the name of his wife and other family members namely Meera Devi Agrawal, Sunita Agrawal, Sangeeta Agrawal, Sapna and Neelam Agrawal. As per the said sale deed 25 sq ft of land situate at the northern side was to be left for the pathway. The said land was purchased by the complainant wherein Narendra Juneja and the non-applicant No. 1 were witnesses of the said sale deed. Complaint also shows that after executing the sale deed on 16.6.2008 Neeraj Mittal transferred the said land by way of gift deed in favour of Ravishankar Sahu.

3. Having perused the material on record learned trial Court found the respondent No.1 guilty of the offences described above but the lower appellate Court by the order impugned has set aside the same as far as it related to respondent No.1.

4. None appeared for the applicant in spite of the case being called thrice. However, this Court is not inclined to linger on the

matter anymore merely for the absence of the complainant and therefor it proceeds to decide the same on its own merits.

5. Counsel for the respondents however, supports the order impugned.

6. Having seen the material on record, it appears that the learned lower appellate Court has not committed any illegality or infirmity in setting aside the order of the trial court because the records shows that the land owner Neeraj Mittal was title holder of the land left for the pathway and therefore, if the gift deed involves any such thing, the person in whose favour gift has been made has the easement right in his favour. The record further shows that the respondent No.1 in both the cases are the only witnesses who do not seem to have any benefit from the said transaction and thus their act in executing the gift deed cannot depict their criminal mind set proving their involvement in cheating or forgery punishable under Section 420,467,468,471 IPC.

7. Revisions thus being without any substance are hereby dismissed and order impugned is hereby maintained.

Sd/-
(Vimla Singh Kapoor)
JUDGE