

HIGH COURT OF CHHATTISGARH, BILASPURCriminal Misc. Petition No.606 of 2011

Uday Narayan Shrivastava, S/o Shri Parmanand Shrivastava, aged about 67 years, R/o Near B.T.I. Kobiya, Bemetara, Tahsil Bemetara, District Durg (C.G.)

(Accused)
---- Petitioner

Versus

1. Taresh Shrivastava, S/o Sri Tulshi Prasad Shrivastava, aged about 42 years, R/o Near Radha Krishna Mandir, Shanti Vihar Colony, Danganiya, Raipur, Tahsil & District Raipur (C.G.)
(Complainant before trial court)
2. State of Chhattisgarh, through District Magistrate, Durg (C.G.)
---- Respondents

For Petitioner:	Mr. Sanjay Patel, Advocate.
For Respondent No.1:	None present.
For Respondent No.2 / State: -	Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

01/04/2019

1. Offence under Sections 420, 465, 467 and 471 of the IPC has been registered on the complaint filed by respondent No.1 herein by the Judicial Magistrate by order dated 7-8-2009 finding prima facie case for issuance of process and taking cognizance which was questioned by the petitioner in revision and the revisional Court has upheld the order taking cognizance against which this petition under Section 482 of the CrPC has been preferred.
2. Learned counsel for the petitioner submits that both the Courts below have committed legal error in holding that prima facie case is made out against the petitioner for taking cognizance of the offence alleged against the petitioner, therefore, both the orders are liable to be set

aside.

3. I have heard learned counsel for the petitioner and perused the orders with utmost circumspection.
4. Both the Courts after considering the documents on record have clearly held that prima facie case is made out against the petitioner for taking cognizance of the aforesaid offences after discussing the material available on record in which counsel for the petitioner could not point out any perversity or illegality as such, the petition under Section 482 of the CrPC deserves to be and is accordingly dismissed reserving liberty to the petitioner to raise all the grounds raised before the trial Court and the trial Court shall decide the complaint case without being prejudiced by any of the findings recorded by the courts below including the impugned order.

Sd/-
(Sanjay K. Agrawal)
Judge

Soma