

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 534 of 2014

Sandeep Kumar Pandey, S/o. Vinod Kumar Pandey, Aged About 33 Years,
R/o. A-4 Vinoba Nagar, P.S. Tarbahar, Bilaspur, Tahsil & Distt.-Bilaspur,
Civil & Revenue Distt.- Bilaspur, Chhattisgarh.

---- Petitioner

Versus

1. Pawan Kumar Agrawal, S/o. Late Rai Saheb Banwari Lal Agrawal.
2. Krishna Kumar Agrawal, S/o. Pawan Kumar Agrawal,
Both R/o. New Sarkanda, P.S. Sarkanda, Bilaspur, Tahsil & Distt.-Bilaspur,
Chhattisgarh
3. State Of Chhattisgarh, Through the District Magistrate Bilaspur.

---- Respondents

For Petitioner	:	Mr. Y.C.Sharma, Advocate
For Respondents No.1 & 2 :		Mr. N.L.Soni with Mr. Naleen Soni, Advocate
For Respondent No.3	:	Mr. R.K.Bhagat, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

18.03.2019

Heard

1. The present petition is against the order dated 30.05.2014 passed by the Second Additional Sessions Judge, Bilaspur, in Criminal Revision No.38/2014 whereby the order dated 02.01.2014 passed by the Judicial Magistrate First Class, Bilaspur, was affirmed. The order of the Judicial Magistrate is about dismissal of complaint filed under Section 420 & 418 read-with Section 34 of Indian Penal Code.
2. The facts as would show that reading of the order would reveal that the petitioner has entered into an agreement for purchase of certain land for Rs.72 Lakhs out of that Rs.8 Lakhs was paid as an earnest money. Subsequently, during the period when the sale deed was to be executed, a lease deed was executed by the

respondents in favour of third party and the same was done to deceive the petitioner.

3. Learned counsel for the petitioner would submit that in order to deceive the petitioner during the life period of the agreement of sale and the document, the lease deed was executed and the earnest money of Rs.8 Lakhs was received.
4. Perused the documents.
5. During the course of argument, the copy of the judgment & decree dated 05.04.2018 passed in Civil Suit No.414A/2014 was produced by the respondents wherein it is stated that the decree for specific performance of the subject land has been made in favour of the petitioner and execution of the sale deed has been ordered.
6. Both the Courts below have dismissed the petition of the complainant on the ground that the nature of the complaint made is of civil nature. After perusal of the order of the Court below and the nature of transaction in between the parties and further after going through the photocopy of the judgment & decree dated 05.04.2018 passed in Civil Suit No.414A/2014 shows that on the similar facts the specific performance of the suit has been decreed in favour of the petitioner. Therefore, the finding of the Courts below are affirmed in respect of the subject land. Consequently, I do not find any reason to interfere with the order passed by the learned Courts below.
7. Accordingly, the petition being devoid of merit is dismissed.

Sd/-
(Goutam Bhaduri)
Judge