

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1659 of 2019

State of Chhattisgarh, Through- Police Station Kanker, District-
North Bastar, Kanker, District - Kanker (C.G.)

---- Petitioner

Versus

1. Preetam Mandavi, S/o- Shri Ghonduram, Ageda about- 47 years
2. Dharampal Mandavi, S/o-Shri Ghonduram, Aged about- 36 years
3. Sopsingh Mandavi, S/o- Shri Ghonduram, Aged about- 50 years

All R/o- Sakin Bundeli, Police Station Kanker, District- Kanker
(C.G.)

---- Respondents

For State : Mr. Raghvendra Verma, G.A.

For Respondents : None

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

26/11/2019

1. Heard on application for grant of leave to appeal filed under Section 378(3) of the CrPC, 1973.
2. This appeal is preferred against judgment dated 29th June 2018 passed by Learned Chief Judicial Magistrate, North Bastar, Kanker (C.G.) in Criminal Case No.607/2016 wherein the said court acquitted the respondents for offence under Section 447 read with Section 34 of IPC, 1860.
3. In the present case, the disputed land bearing survey No. 500 area 0.19 acre and bearing survey No. 509 area 0.29 acre situated at village Budeli. The complainants Anjor Ram Nag (PW-1) and Sahdev Nag (PW-2) have admitted before the

Trial Court that there is land dispute between the parties and in that Civil Suit the Court decided the issues between the parties in favour of respondents. From the entire evidence of several witnesses it is established that it is an old land dispute and land was sown by respondent-Preetram Mandavi and others. As per admission of the complainant they are entering into disputed land as a matter of right. It cannot be said that entering into land by the respondents is to cause annoyance, insult or intimidation for commission of any offence with the complainants.

4. Trial Court evaluated the facts and circumstances of the case and recorded finding of acquittal, it is not a case where interference of this Court is required with order passed by the Trial Court. It is not a case where respondents should be called for hearing again for full consideration of this appeal.
5. Accordingly, the petition is liable to be and is hereby dismissed at motion stage.

Sd/-

(Ram Prasanna Sharma)
Judge