

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 271 of 2014**

M I A Zunjani, S/o - Late B.I.A. Zunjani, Aged about - 32 years,
R/o - Karbala Road, P.S. - City Kotwali, Tahsil and District-
Bilaspur (C.G.)

---- **Petitioner**

Versus

1. Narayan Prasad Dewangan, S/o - Late Banwali Prasad Dewangan, Aged about - 50 years, R/o - Near Nancy Video Vision, Karbala Road, City Kotwali, Tahsil and District-Bilaspur (C.G.)
2. Chainani Bai Dewangan, Wd/o – Late Banwali Prasad Dewangan, Aged about – 70 years, R/o - Near Nancy Video Vision, Karbala Road, City Kotwali, Tahsil and District-Bilaspur (C.G.) (Deleted).

---- **Respondents**

For Petitioner : Shri Shailesh Puriya, Advocate.
For Respondents : Shri Vikram Sharma, Advocate.

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

24/04/2019

1. Heard on I.A. No. 01/2014, application for condonation of delay in filing the petition.
2. On due consideration and for the reasons mentioned in the application, delay of 15 days in filing the petition is condoned.
3. Also heard on application for grant of leave to appeal filed under Section 378(4) of the Code of Criminal Procedure, 1973.
4. This petition is preferred against the judgment dated 28th September, 2012 passed by Judicial Magistrate First Class, Bilaspur (C.G.) in Criminal Complainant Case No. 419/2010 wherein the said Court acquitted the respondents for charge

under Section 467 and 468 read with Section 34 of IPC, 1860 for forging lease of Survey No. 280/1 area admeasuring 28.50 square meter situated at Karbala Road, Juna, Bilaspur (C.G.).

5. In the present case, the case of the petitioner is based on sale-deed dated 12th May, 1999 executed in his favour by Smt. Anand Kumari. In the said sale-deed, the survey number of the land is not mentioned as 280/1 for which the complaint was filed before the trial Court.
6. From the order dated 21st July, 1984 passed by Nazul Officer and competent authority, Bilaspur in Revenue Case No. 21/A-20(1) 1984-85, it appears that the land bearing Survey No. 280/1 area 5 meter x 5.70 meter was allotted on lease to Chanaini Bai, who was respondent before the trial Court. From order of the authority, it is clear that land in question is Nazul land and looking into the entitlement of the lease, the said order was passed in favour of respondent- Chanaini Bai. The appellant lodged his complaint against order of Tahsildar which was reversed by Commissioner, Bilaspur subsequently, therefore, order of the Tahsildar is not enforced and the same cannot be the basis for filing the complaint. When the land is Government land allotted to respondent- Chanaini Bai, the trial Court opined that the case of forgery against the respondent is not established.
7. The trial court has elaborately discussed the entire evidence and after reassessing the same, this Court has no reason to record contrary finding. It is not a case where respondent should be

called for hearing again for full consideration of this petition.

Accordingly, application for grant of leave to appeal is rejected.

8. Consequently, the petition stands dismissed at motion stage itself.

Sd/-
(Ram Prasanna Sharma)
Judge

Vasant