

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No.1839 of 2019

- Ku. Sangeeta Dewangan, D/o Shri Shankarlal Dewangan, Aged About 51 Years, Brahmakumari Ashram, Mathpara Durg

---- Applicant

Versus

- Ku. Seema Dewangan, D/o Shri Shankarlal Dewangan, aged about 49 years, Behind Vivekanand School, Shitla Nagar, Durg

---- Respondent

For Applicant

Shri Raja Sharma, Advocate

Hon'ble Justice Shri Prashant Kumar Mishra

Hon'ble Justice Shri Gautam Chourdiya

Order On Board by Shri Prashant Kumar Mishra J.

04/12/2019

1. This application seeking leave to appeal has been preferred against the judgment of acquittal rendered by the Trial Court acquitting the accused of the charges under Sections 420, 467, 468 & 471 of IPC.
2. Applicant Sangeeta Dewangan and accused Seema Dewangan are real sisters. The dispute between them pertains to the bank account and the amount lying therein belonging to their brother Late Anil Dewangan. According to the applicant, Late Anil has made complainant Sangeeta Dewangan his nominee in relation to his bank account in the District Central Cooperative Bank, Durg, however, after his death, the accused Seema Dewangan withdrew the amount by impersonating her and putting her

signature over the bank papers.

3. While acquitting the accused, the Trial Court recorded the finding that there is no evidence of handwriting expert proving that the withdrawal form bears the handwriting of the accused. Similarly, there is no evidence that on the date the amount was withdrawn, it is the respondent/accused who appeared in the bank. The dispute pertains to withdrawal of Rs.1398/- only.
4. Considering the evidence on record, we are of the view that the finding recorded by the Trial Magistrate is borne out from the record being one possible view in the matter, therefore, in an appeal against acquittal wherein leave to appeal is sought, High Court is not entitled to interfere merely because another view is possible.
5. The CRMP deserves to be and is hereby dismissed.

Sd/-
Prashant Kumar Mishra
Judge

Sd/-
Gautam Chourdiya
Judge

Nirala