

HIGH COURT OF CHHATTISGARH, BILASPURCriminal Misc. Petition No.505 of 2014

Rambai, W/o Shri Hariram, Aged about 40 years, Occupation Agriculture, R/o Village Singitana, Police Station & Tahsil Lakhanpur, Distt. Surguja (C.G.)

(Revisioner/Complainant)
---- Petitioner

Versus

1. Ramcharan, S/o Shri Jugaru Ram, Caste Rajwar, Aged about 47 Years, Occupation Service,
(Non-applicant No.1/Accused No.1)
2. Roopnarayan, S/o Shri Jugaru Ram, Aged about 36 years, Occupation Agriculture,
(Non-applicant No.2/Accused No.2)
3. Sonsay, S/o Shri Kenduram, Aged about 46 years, Occupation Agriculture,
(Non-applicant No.3/Accused No.3)
4. Dharam Rajwade, S/o Shri Kariya Ram, Aged about 50 years, Occupation Agriculture,
(Non-applicant No.4/Accused No.4)
5. Dulari, D/o Shri Sukhdev, Aged about 27 years, Occupation Agriculture,
(Non-applicant No.5/Accused No.5)
6. Shivmangal, S/o Shri Dhurana, Aged about 40 years, Occupation Agriculture,
(Non-applicant No.6/Accused No.6)
7. Dhurana, S/o Shri Bhukhal, Aged about 60 years, Occupation Agriculture,
(Non-applicant No.7/Accused No.7)
8. Virachha @ Birachha, S/o Shri Agar Say, Aged about 60 years, Occupation Agriculture,
(Non-applicant No.8/Accused No.8)

All Respondents are R/o Village Singitana, Police Station & Tahsil Lakhanpur, Distt. Surguja (C.G.)

---- Respondents

For Petitioner: Mr. Rishi Rahul Soni, Advocate.

For Respondents: None present.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board15/04/2019

1. The petitioner herein is the complainant who filed complaint against the respondents herein for offence punishable under Sections 379, 294 and 506B read with Section 34 of the IPC stating inter alia that on 26-5-2012, the respondents not only harvested the crops sown by the petitioner but also abused him and threatened to kill and taken away the crops sown by him, and thereby committed the offence.
2. The trial Magistrate after appreciation of oral and documentary evidence on record, on 11-7-2013 reached to the conclusion that there is no sufficient material for proceeding against the respondents and declined to take cognizance which was assailed in revision before the revisional Court and the revisional Court also concurred with the opinion expressed by the learned trial Magistrate. The two Courts have concurrently held that there is no material for proceeding further against the respondents for commission of offence punishable under Sections 379, 294 and 506B read with Section 34 of the IPC, as the dispute mainly relates to title of the suit land which can be adjudicated in the jurisdictional civil court.
3. In view of the above, I do not find any perversity or illegality in the impugned order requiring interference in exercise of jurisdiction under Section 482 of the CrPC. Accordingly, the petition is dismissed.

Sd/-
(Sanjay K. Agrawal)
Judge