

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 124 of 2016**

Dharam Lal, S/o Malechu, Aged About 65 Years, Caste Kurmi, R/o Village Salkhan, Police Station Shivrinarayan, District Janjgir Champa Chhattisgarh. ---- **Petitioner**

Versus

Ram Ratan, S/o Prem Lal, Aged About 30 Years, R/o Caste Kukda, Police Station Shivrinarayan, District Janjgir Champa Chhattisgarh. --- **Respondent**

For the applicant : Mr. Somnath Verma, Advocate.
For the respondent : Mr. Yogeshwar Sharma, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board**29.01.2019**

1. The instant present petition is against the order dated 11.12.2015 passed by the First Additional sessions Judge, Janjgir in Criminal Revision No. 32/2015 whereby the Revisional Court has set aside the order dated 12.03.2015 passed by the JMFC in Complaint Case No. 872/2015 and directed for registration of complaint.
2. The back ground of the case is that a complaint was filed by one Ram Ratan against Dharamlal, petitioner herein. It is stated that Ram Ratan son of Premlal has purchased the land bearing Kh.No.806 admeasuring 0.16 acres at village Kukda from one Vishal who was the original owner. However, after purchase of land, the name of purchaser Ramratan, was not mutated and after death of his son, the land was recorded in the name of Bisahin Bai, wife of the son and after death of Bisahin, the name of Dharamlal was recorded in the revenue records to be the owner of land and subsequently the land bearing Kh.No.806 was acquired and since the name of Dharamlal was recorded as owner of the land, he took the compensation.

3. The complainant purchaser after knowing the fact that the land was already sold and Dharamlal had taken compensation, has filed the complaint and the Judicial Magistrate has dismissed the said complaint on the ground that it is not on record that Dharamlal was not in know of the fact that the land was acquired by his father. Therefore, he did not register the complaint. Subsequently when the matter was taken up in revision, the revisional Court ordered for registration of complaint.
4. Learned counsel for the petitioner would submit that it is not on record that Dharamlal was in know of the fact that the land was already sold which was acquired, for which he received the compensation. It is stated that since the name is recorded in the revenue records, without any fraud, suppression the petitioner has received the amount, therefore, no offence is made out.
5. The argument advanced by the learned counsel for the petitioner can only be appreciated during the course of trial as it would be a defence available to the accused. Acceptance of defence at the threshold will dilute the primary offence. Therefore the finding of the learned Revisional Court appears to be reasonable and justified which do not require any interference.
6. The petition has no merits and is dismissed.

Sd/-

**GOUTAM BHADURI
JUDGE**