

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P. No. 2609 of 2019**

Balchand, S/o Ruplal Sahu, aged about 32 years, R/o. Village Shikaritola, Tah. and Police Station Khairagarh, Distt. Rajnandgaon (C.G.)

-----Petitioner**Versus**

1. Bisan Sahu, S/o. Dindayal Sahu, aged about 32 years,

2. Dindayal Sahu, S/o Jairam Sahu, aged about 66 years,

Both are R/o. Village Shikaritola, Tah. And Police Station Khairagarh, Distt. Rajnandgaon (C.G.)

----- Respondents

For Petitioner : Shri Tarun Dadsena, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal
Order On Board

11/12/2019

(1) The petitioner filed a complaint under Sections 294, 323, 506-B read with Section 34 of the Indian Penal Code against the respondents herein, which was dismissed by the trial Magistrate summarily on the ground that no *prima facie* case is made out against the respondents herein for registration of aforesaid offences, against which he preferred revision, that was also dismissed by the Additional Sessions Judge, Khairagarh vide its impugned order dated 16.10.2019 passed in Criminal Revision No. 20/2018. Now this petition under Section 482 of the Cr.P.C. has been preferred thereagainst.

(2) Counsel for the petitioner submits that impugned order is bad and unsustainable in law and the trial Magistrate ought to have registered the offences against the respondent.

(3) I have heard learned counsel appearing for the petitioner and considered his submissions and went through the record with utmost circumspection.

(4) Additional Chief Judicial Magistrate, Khairagarh has clearly recorded a finding that there is no *prima facie* evidence available on record to register the offence against the respondents on the basis of preliminary evidence and documents available on record. On a revision being preferred, learned Sessions Judge has also considered the matter threadbare and dismissed the revision finding no merit. Even it is apparent on the record that respondent No. 1 – Bisan Sahu has also already registered the complaint against the petitioner on 05.07.2017, which is subject matter of Criminal Case No. 142/2017 before the said Court. The *prima facie* finding recorded by two courts below is neither perverse nor contrary to record.

(5) In view of above, I do not find any merit in the instant petition filed under Section 482 of the Cr.P.C.. Thus, the petition, being devoid of merit, is liable to be and is hereby dismissed. No cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge

D/-

