

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPURCRMP No. 374 of 2020

- M/s Devanshi Construction Partnership Firm A-5 Class Contractor, Roy Colony Shatti Para Chowk Ambikapur Tahsil Ambikapur, District Surguja Chhattisgarh, Through Subhash Chandra Rai, S/o D. S. Rai, Aged About 44, Partner Devanshi Construction R/o, Roy Colony Shatti Para Chowk, Ambikapur, Tahsil Ambikapur, District Surguja Chhattisgarh

---- Petitioner

Versus

1. Keshavdas R. Jadwani S/o Ramchand Jadwani R/o Varun Kunj A-16, Yuth Vihar Road, New Puraina Raipur Tahsil And District Raipur Chhattisgarh
2. State of Chhattisgarh Through District Magistrate, District : Raipur, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Badruddin Khan, Advocate
For State/Respondent No.2.	:	Mr. Mateen Siddiqui, Deputy A.G.

Hon'ble Shri Justice Sanjay K. AgrawalOrder on Board13/02/2020

1. This petition is directed against the order dated 17.01.2020, whereby the revision preferred by the petitioner has been rejected affirming the order dated 01.11.2019, passed by the trial Magistrate, rejecting an application under Section 195(a)(b)(i) of the Cr.P.C.
2. Learned counsel for the petitioner would submit that the trial Magistrate has committed legal error in rejecting the application and the revisional Court has committed legal error in affirming that order.
3. I have heard learned counsel for the petitioner and perused the impugned order.

4. During the course of trial, the complainant has examined two witnesses namely S.V. Pedegaonkar (PW-2) and Laxmi Das Mahajan (PW-3). S.V. Pedegaonkar (PW-2) has proved Ex-P-21 on behalf of the complainant. The grievance of the petitioner is that Ex-P-21 is a forged document.
5. The petitioner/firm has filed an application under Section 195 of the Cr.P.C., alleging in it that false document has been filed during the proceedings of the Court for registration of FIR against the said witnesses, which the trial Court has rejected and the revisional Court has affirmed, holding that the trial is in advance stage and the validity of document has to be considered at the time of final judgment.
6. The reason assigned by the trial Court duly affirmed by the revisional Court is in accordance with law. It is neither perverse nor contrary to record. The trial has not concluded and pending consideration as such the trial Court is justified in rejecting the application and the revisional Court has justified in affirming the order of the trial Court, I do not find any perversity and illegality in the said finding.
7. Accordingly, the petition filed under Section 482 of the Cr.P.C. deserves to be and is hereby dismissed.

Sd/-
(Sanjay K. Agrawal)
Judge