

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.675 of 2019

Arising Out of PS. Case No.-101 Year-2004 Thana- BIHPUR District- Bhagalpur

Mahendra Bhagat @ Mahendra Prasad Bhagat, Son of Late Bhup Narayan Bhagat Resident of Village- Madhurapur, Police Station- Bhawanipur (Bihpur), District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Srimati Bijli Devi, Daughter of Late Bhup Narayan Bhagat Resident of Village- Madhurapur, Police Station- Bhawanipur (Bihpur), District- Bhagalpur. Wife of Mahendra Bhagat at present resident of village Dholbajja, Police Station Dholbajja, District- Bhagalpur.
3. Mahendra Bhagat, Son of Late Jagdish Bhagat Resident of Village Dholbajja, Police Station- Dholbajja, District- Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Viveka Nandsingh, Advocate

For the Respondent/s : Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

2 11-01-2024 1. Heard learned Advocate of the petitioner and learned APP for the State.

2. Bihpur P.S Case No. 101 of 2004 was registered on the basis of a written complaint which was sent by the learned Judicial Magistrate under Section 156(3) of the Cr.P.C. In the petition of complaint, it is alleged by the complainant that he purchased a piece of land in the name of his wife by a registered deed of sale, dated 18th of October, 1989, which was



subsequently executed on 25th of September, 1991. The said plot of land is situated at Mauza Singhpur, Khata No. 29, Khesra No. 2002, measuring about 12-13 Dhurs. After purchase, the informant and his wife were in peaceful possession of the said piece of land. Subsequently, the informant came to know on receipt of a summon that Respondent No. 2, Bijli Devi filed a Suit, being Title Suit No. 1 of 1992 in the Court of the Sub-Judge 1st Court at Naugachiya, claiming that the Respondent No. 3 being the husband of the Respondent No. 2 sold out the property in favour of Respondent No. 2. The said suit was dismissed for default on 14th of March, 1996. Subsequently, the petitioner lodged the complaint, alleging offence against Opposite Party Nos 2 and 3 under Sections 420, 467, 471 read with Section 120B of the IPC.

3. Police submitted charge-sheet in the said case and trial of the case begun. On conclusion of trial, the accused persons were acquitted. The petitioner preferred an appeal before the learned Additional Sessions Judge, 2nd Court at Bhagalpur against the judgment and order of acquittal which was registered as Cr. Appeal No. 83 of 2017. The said Appeal was also dismissed, affirming the judgment and order of acquittal, passed in favor of the Opposite Parties. The petitioner



has challenged both the orders in the instant revision.

4. I have heard the learned Advocate for the petitioner at length. It is submitted by the learned Advocate for the petitioner that the Opposite Party No. 3 executed a deed of sale in favour of the Opposite Party No. 2 after the property was purchased by the informant in the name of his wife. The Respondent No. 3 had no right, title and interest over the subject land and he could not transfer the property in favour of Opposite Party No. 2.

5. Having heard the learned Advocate for the petitioner and on careful perusal of the entire materials on record as well as the documents annexed with the instant revision, it appears to this Court that efficacious relief of the petitioner lies in filing a suit for cancellation of the deed of sale executed by Respondent No. 3 in favour of Respondent No. 2. A Criminal Court cannot give any relief relating to title to the petitioner. The dispute is absolutely civil in nature, therefore, this Court is not inclined to interfere with the judgment passed by the Trial Court and affirmed by the Court of Appeal.

6. The petitioner is at liberty to file appropriate suit before the appropriate Court if he is so advised subject to law of limitation.



7. The instant revision is accordingly disposed of.

(Bibek Chaudhuri, J)

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