2026:JHHC:28281

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Revision No. 788 of 2017

Vijay Nandan Singh @ Vijay Kr. Singh, son of Late Jagdish Singh, Resident of Village – Balumath, P.O. & P.S. – Balumath, District – Latehar.

.... …. **Petitioner**

Versus

1. The State of Jharkhand
2. Shivpati Devi, wife of Late Ashanandan Singh.
3. Amit Kumar Singh, son of Late Ashanandan Singh.
   Both opposite party no. 2 & 3 are residents of Village – Bibi Pesra, P.O. & P.S. – Barachati, District – Gaya (Bihar).
   At present both are residents of Balumath, P.O. & P.S. – Balumath, District – Latehar.
4. Sanjeev Kumar Sinha, son of Shashi Bhushan Prasad.
5. Diya Sinha, wife of Sanjeev Kumar Sinha.
   Both opposite party no. 4 and 5 are residents of Balumath, P.O. & P.S. – Balumath, District – Latehar.

.... **Opp. Parties**

Coram: HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA

For the Petitioner : Mr. Chandan Kumar, Advocate.
For the State : A.P.P.
For the O.P. Nos. 4 & 5 : Mr. Roshan Kumar Singh, Advocate.

JUDGMENT

Dated- 17th September, 2026

By Court: Heard learned counsel for the petitioner and learned A.P.P. appearing for the State as well as learned counsel for the opposite party nos. 4 & 5.

2. The instant criminal revision is directed against the order dated 01.03.2017 passed by learned Chief Judicial Magistrate, Latehar in Complaint Case No. 177 of 2012, whereby and whereunder the complaint petition filed by the petitioner against

the opposite party nos. 2 to 5 under Sections 420, 467, 468, 471 of the I.P.C. has been dismissed.

3. Factual matrix giving rise to this revision is that the complainant, Vijay Nandan Singh has filed a complaint against Shivpati Devi, Amit Kumar Singh, Sanjeev Kumar Sinha and Divya Sinha for the offence under Sections 420, 467, 468, and 471 of the Indian Penal Code. It is alleged by the complainant that his brother, Ashanandan Singh, had prepared forged WILL and on the basis of said WILL, he fought several cases, but lost each case. During his lifetime, Ashanandan Singh also filed a probate suit on the basis of forged WILL, which was also dismissed. Ashanandan Singh had also filed a partition suit, presenting the WILL as a gift deed, but he withdrew that case at the last moment. The plaintiff also purchased the land in village Jogiyadih by depositing Rs. 3,00,000/- (three lakh) to accused nos. 1 and 2 (opposite party nos. 2 and 3 herein), who are the wife and son of Ashanandan Singh. Accused nos. 1 and 2 (opposite party nos. 2 and 3 herein) got the land in village Jogiyadih claimed by letter of Administration for which an application was also filed vide L.A. No. 2/2011 in the court of Principal District and Sessions Judge, Latehar, which was rejected on 31.07.2012. Accused No. 1 (Opposite party no. 2 herein) deliberately executed a sale deed of Khata No. 18, Khasra No. 27, measuring 4.81 acres in Village Jogiyadih, to Accused Nos. 3 and 4

(Opposite party nos. 4 and 5 herein) for a total consideration of Rs. 18,00,000 (eighteen lakhs). Accused No. 2 (Opposite party no. 3 herein) was identifier in the said deed. Accused No. 1 to 4 (Opposite party nos. 2 to 5 herein) have no regard for the law and committed fraud by executing a sale deed of the plaintiff's land, vide Sale Deed No. 1636 dated 25.08.2012.

4. On the basis of above information, Complaint Case No. 177 of 2012 was registered. Thereafter, four enquiry witnesses including the complainant were examined on behalf of complainant.

5. After enquiry, the trial court does not find any prima facie criminal case observing that this is a case of civil nature and there is dispute of property. Accordingly, dismissed the complaint of the petitioner, which has been assailed in this revision.

6. Learned counsel for the petitioner has submitted that the learned trial court has erred in dismissing the complaint petition and has not proceeded in the correct spirit of Sections 202 and 203 Cr.P.C. It is further submitted that the complainant in his solemn affirmation and three enquiry witnesses have supported the case, in spite of that, the learned trial court has dismissed the complaint petition. He further submits that the scope of Sections 202 Cr.P.C. is only limited to the effect that prima facie case has to be shown and if the enquiry witnesses and in the solemn affirmation, the

prima facie case is made out, the learned court is bound to summon the accused persons and that procedure has not been followed.

7. It is further submitted that the learned trial court has not taken into consideration para-6 and 7 of the complaint petition, wherein it is mentioned that accused no. 1 after realizing a sum of Rs. 18 lakhs executed a sale deed in favour of accused nos. 3 and 4, in which accused no. 2 is the identifier, which prima facie makes out a case against the accused persons, who knowingly and fraudulently transferred the land to accused nos. 3 and 4. It is further submitted that in the case of fraudulent transfer of the land, civil and criminal both cases are maintainable and the accused can also be prosecuted by the criminal court.

8. Learned A.P.P. appearing for the State as well as learned counsel for the opposite party nos. 4 and 5 has opposed the contention raised on behalf of the petitioner and submitted that there is no illegality in the impugned order passed by the learned trial court. The learned trial court has rightly held that it is civil dispute, which is being tried to give colour of a criminal case. Therefore, there is no illegality in the impugned order dismissing the complaint lodged by the complainant against the opposite parties and this revision is fit to be dismissed.

9. I have given anxious consideration to the rival contentions of the parties and also perused the impugned order along with other materials available on record.

10. From perusal of the evidence available on record, it appears that though there is allegation that Ashanandan Singh, brother of the complainant / petitioner by making forged and fabricated WILL has filed a Probate Case, which was dismissed. It also appears that Ashanandan Singh has also filed a Partition Suit, presenting the said WILL as a deed of gift, but the same was withdrawn. It appears that after death of Ashanandan Singh, his widow and his son, who are accused nos. 1 and 2 have transferred the land in question to the complainant / petitioner after receiving consideration amount of Rs. 3 Lakhs. It also appears that accused nos. 1 and 2 have filed an application before the Principal District Judge, Latehar for issuance of Letter of Administration of land in question, which was dismissed on 31.07.2012. From the evidence of C.W.-2 Suresh Ram and C.W.-3 Santosh Kumar, who were examined on behalf of the complainant, it appears that they have stated that accused no. 1 Shivpatti Devi had taken Rupees three lakhs from complainant Vijay Nandan Singh for the marriage of his daughter and at that time, it was agreed that she would transfer four acres of land in lieu of it, but she did not transfer the land, nor returned the money, rather transferred the land to

someone else. The allegation of the complainant that accused no. 1 in connivance with accused nos. 2 had sold the land in question in favour of accused nos. 3 and 4, which is a fraudulent transfer. However, no concrete documents regarding the above contentions have been filed before the learned trial court. Mere bald allegations do not constitute any criminal offence without any supporting documents. Hence, the learned trial court has rightly dismissed the complaint petition of the petitioner.

11. In view of aforesaid discussion and reasons, I find no merit in this criminal revision. Accordingly, the same is **dismissed**.

12. Pending I.As., if any, stand disposed of.

13. Let a copy of this judgment be sent to the court concerned for information and needful.

(Pradeep Kumar Srivastava, J.)

Jharkhand High Court, Ranchi
Dated : 17/09/2026
Sunil/-NAFR
Uploaded On 23/09/2026