

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL REVISION APPLICATION (AGAINST ORDER
PASSED BY SUBORDINATE COURT) NO. 730 of 2018

FOR APPROVAL AND SIGNATURE:

HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR

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Approved for Reporting	Yes	No

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KHATRI RASIDABANU ABDULSATAR
 Versus
 STATE OF GUJARAT & ORS.

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Appearance:

D C BHATT(7618) for the Applicant(s) No. 1

MR D V KANSARA(7498) for the Applicant(s) No. 1

MS SHRUTI PATHAK, APP for the Respondent(s) No. 1

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CORAM: HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR

Date : 02/04/2026

JUDGMENT

- (1) By way of present criminal revision application the applicant has assailed the judgment and order dated 25.01.2018, in Criminal Appeal No.18 of 2017, passed by the learned Sessions Judge, Kachchh at Bhuj, whereby, the learned Sessions Judge has dismissed the appeal and confirmed the judgment and order dated 27.03.2017, in Criminal Case No.208 of 2006, passed by the learned Chief Judicial Magistrate, Bhuj - Kachchh, (who shall

hereinafter be referred to as "**learned trial Court**"), whereby, the learned trial Court has been pleased to acquit the respondent nos.2 to 6 – original accused, from the charges levelled against them. Being aggrieved by the above-mentioned orders the applicant – original complainant has filed the present revision application against acquittal of the respondent nos.2 to 6 – original accused.

- (2) Heard learned Advocate for the applicant and learned APP for the respondent – State.
- (3) The brief facts of the present case are that the applicant – original complainant has filed a complaint being I-C.R.No.303 of 2005, with Bhuj City Police Station, for the offences punishable under Sections 406, 420, 465, 468, 471 and 114 of the Indian Penal Code against the respondent nos.2 to 6 – original accused. After completion of investigation the Investigating Officer has filed a charge-sheet against the accused. That the learned Magistrate has framed charge against the accused and conducted the trial. After appreciating the evidence produced on record the learned trial Court was pleased to acquit all the accused from the charges levelled against them. Thereafter, the complainant has challenged the said order by filing Criminal Appeal which came to be dismissed by upholding the order of acquittal.

- (4) Having heard the learned Advocates for the respective parties and perusing the record and proceedings it appears that the learned trial Court has properly appreciated the evidence led by the prosecution. It further appears that the learned trial Court has relied upon the judgment of the Hon'ble Supreme Court in case between Ms. Ibrahim and Ors., Vs. State of Bihar and Anr, reported in 2010 CrLJ, 2223, and observed that merely because the false facts are stated in the document does not automatically become false document as per Section 464 of the Code of Criminal Procedure and believed that the case for the charges levelled is not proved. The learned trial Court has also discussed the evidence of all witnesses and observed regarding admission of the complainant that the measurement of the land shown in document was 57.67 sq. mtr which is incorrect. The complainant has also admitted that the possession receipt at Exhibit 34 was issued in the name of the respondents by BHADA and the respondents were given 57.63 sq. mtr., and the respondents have executed the document of the said measurement. She has further admitted that the document at Exhibit 28 was executed after examining the documents on 28.04.2005 and therefore they are having knowledge about the entry no.212 in the revenue record and accordingly there is no dishonesty on the part of the respondents which was also agreed by the learned

Appellate Court. The learned trial Court has also observed that after the earthquake, BHADA has not allotted 16.15 sq. mtrs., of land to Vijayaben Rajgor which is also correct. Therefore, it is clear that the respondents have sold the land to the complainant which was allotted to them by BHADA. The entry no.212 in Exhibit 32 was mutated on 24.10.2012 and not before the earthquake and thus the respondents have sold the land which was shown in the document was allotted by BHADA to the respondents. Further, the complainant and her witnesses are saying that they have examined all the documents and exhibited the same and therefore it cannot be believed that they have not seen the government record and the entries in the Government record are admitted by them which also suggest that they have seen the record. Furthermore, the Investigating Officer examined at Exhibit 185 has not recorded the statement of the employees of City Survey Officer and BHADA and therefore it was not ascertained as to how much exact land was allotted to the respondents. In this way the complainant failed to prove that the respondents have suppressed the said fact regarding sale of 16.15 sq. mtr to Vijayaben and taken full consideration for 57.63 sq. mtr and handed over only 41.48 sq. mtr of land dishonestly.

- (5) In addition the scope of revisional jurisdiction is very limited and power under Section 401 of the Code is discretionary and it is

required to be used only in exceptional cases where glaring defect in the procedure and manifest error of law or there has been miscarriage of justice. Here no any such error is pointed out or no perversity or illegality is found from the reasons assigned by both the Courts below, therefore, no case is made out to upset the concurrent findings of the learned trial Court and Appellate Court. Moreover, the revisional jurisdiction itself does not provide reappraisal of evidence and considering the limited jurisdiction the Court cannot act as Appellate Court. Hence, no case is made out for interference with the impugned findings in light of scope of revision laid down by the Hon'ble Apex Court in ***Amit Kapoor Vs. Ramesh Chander***, reported in **2012 (9) SCC 460**.

- (6) In view of above, the present Criminal Revision Application stands **dismissed**. Record and proceedings, if any, be sent back to the concerned Court forthwith.

(HASMUKH D. SUTHAR,J)

ANKIT JANSARI

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: ANKIT YOGESHBHAI JANSARI(HCW0109), ENGLISH STENOGRAPHER GRADE I, at High Court of Gujarat on 04/04/2026 16:34:36