
(2011) 07 UK CK 0097

In the Uttarakhand High Court

Case No : Criminal Miscellaneous Application (C-482) No. 499 of 2009

Harish Chand Jain

APPELLANT

Vs

State of Uttarakhand and Others

RESPONDENT

Date of Decision : 08-07-2011

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 156(3), 195(1), 340, 482

Citation : (2011) 07 UK CK 0097

Hon'ble Judges : Prafulla C. Pant, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Prafulla C. Pant, J.—Heard

2. By means of this petition, moved u/s 482 of the Code of Criminal Procedure, 1973, the Petitioner has sought quashing of the order dated 19.01.2009, passed by Addl. Sessions Judge, Dehradun, in Criminal Revision No. 80 of 2008, whereby said court has affirmed the order dated 19.06.2008, passed by the Chief Judicial Magistrate, Dehradun, on Application No. 96 of 2008, moved u/s 156(3) of Code of Criminal Procedure., Harish Chand Jain v. Shashi Bakshi and Ors.

3. Brief facts of the case are that one Jugal Kishor is said to be the owner of the property in question. Petitioner's case is that he purchased the property through a sale deed dated 04.06.1970, executed by said Jugal Kishor. However, it appears that a civil suit was filed by Respondents No. 2 to 6, claiming title over the property on the basis of adverse possession. The case of the present Petitioner is that a forged Vakalatnama was used by the Respondents No. 2 to 6, showing that the present Petitioner was represented through a counsel. Copy of said document is annexed as Annexure ?9 to the present petition.

4. An application was moved u/s 156(3) of Code of Criminal Procedure by the Petitioner for registering a criminal case against Respondents No. 2 to 6, in

respect of said document. The trial court vide impugned order dated 19.06.2008, rejected the application on the ground that in respect of a document used in a proceedings in court, cognizance can only be taken on a complaint of a court or its nominee. The Chief Judicial Magistrate, Dehradun, who passed said order has specifically mentioned provision contained in Section 195(1) of Code of Criminal Procedure, 1973, which bars the cognizance otherwise than the procedure prescribed in said Section.

5. The revision was filed by the present Petitioner before court of Sessions, which was disposed of vide impugned order dated 19.01.2009, passed by Addl. Sessions Judge/Fast Track Court II, Dehradun, in Criminal Revision No. 80 of 2008, affirming the order passed by the Magistrate.

6. It is also observed by the revisional court that if the court concerned where the allegedly forged document was used has not made any complaint, it was open for the Petitioner to file an application u/s 340 of Code of Criminal Procedure

7. Having heard learned Counsel for the parties, and after going through the provision contained in Section 195(1) and Section 340 of Code of Criminal Procedure., this Court finds no illegality in the impugned orders, passed by the courts below.

8. Therefore, the petition u/s 482 of Code of Criminal Procedure is dismissed.