
(2015) 01 RAJ CK 0171

In the Rajasthan High Court

Case No : Criminal Misc. Petition No. 1863/2014

Madan Lal

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 05-01-2015

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482

Penal Code, 1860 (IPC) — Section 120-B, 420, 467, 468, 471

Citation : (2015) 1 WLN 256

Hon'ble Judges : Vijay Bishnoi, J.

Bench : Single Bench

Advocate : Awar Dan Charon, for the Appellant

Final Decision : Dismissed

Judgement

Vijay Bishnoi, J.—This criminal misc. petition under section 482 Cr.P.C. has been filed by the petitioner against the order dated 05.12.2013 passed by Additional Sessions Judge, Raisinghnagar, District Sri Ganganagar (for short "the revisional court" hereinafter) in Cr. Revision Petition No. 60/2011, whereby the revision petition filed by the petitioner against the order dated 27.09.2011 passed by the Judicial Magistrate, First Class, Sri Vijaynagar, District Sri Ganganagar (for short "the trial court" hereinafter) in Cr. Regular Case No. 30/2007, whereby the trial court has ordered for framing the charges against the petitioner and other co-accused persons for the offence punishable under sections 420, 467, 468, 471 and 120-B IPC, has been dismissed. Learned counsel for the petitioner has submitted that there is no iota of evidence against the petitioner sufficient to frame the charges against the petitioner for the offences punishable under sections 420, 467, 468, 471 and 120-B IPC. It is contended that the petitioner was not the signatory to the registered sale deed alleged to have been executed in the name of Babu Ram in favour of Surendra Kumar and Kalawati Devi. It is also contended by the learned counsel for the petitioner that the petitioner was also not signatory to the alleged power of attorney of Babu Ram and, therefore,

the trial court has grossly erred in ordering for framing the charges against the petitioner for the aforesaid offences. It is further contended that the petitioner has falsely been implicated in this case and, therefore, the orders of the trial court as well as of the revisional court are liable to be set aside.

2. Heard learned counsel for the petitioner and perused the impugned orders.

3. The trial Court, after taking into consideration the statements of the witnesses viz. Banwari Lal, Sheeshpal, Babu Ram, Nisha Devi, Surendra Kumar and Kalawati Devi, has concluded that all the witnesses have stated that the petitioner, along with other co-accused person Rameshwar Lal, was instrumental in getting the sale deed and the power of attorney executed on behalf of Babu Ram and he was the person, who was instrumental in selling the agricultural land on the basis of forged documents. The trial court, after taking into consideration the said evidence, collected by the police, has found prima facie case against the petitioner for framing the charges against him for the offences punishable under Secs. 420, 467, 468, 471 and 120-B IPC.

4. This Court, after perusing the impugned orders, is of the opinion that when there is prima facie evidence available on record against the petitioner, the trial court has not committed any illegality in ordering for framing charges against the petitioner for the offences punishable under sections 420, 467, 468, 471 and 120-B IPC. So also, the revisional court has not committed any error in upholding the order of the trial court. Hence, this criminal misc. petition being devoid of merits, is dismissed. Stay petition also stands dismissed.