

Complaint Case
no - 374018

18/9/21 Complaint file time petition

The case record is fixed for date. Heard the Ld. Counsel appeared on behalf of Complaint. Perused the Complaint petition, S/A of the Complaint and Statement of E.W. Bibha Kumari Singh and E.W.2 Ram Nandan Singh. The Complaint in brief is that the accused no-1 namely Nutan Singh executed a false deed in favour of accused no-4 Smt. Gita Ghusari Devi stating herself to be the wife of brother of Complaint Shankar Sharan Singh. The accused no-2 Mithunraj Singh and the accused no-3 Ramanand Singh are the witnesses of false deed. Further, it has been stated by the Complaint that vide Succession case no-115/2002 by the court of ADJ IV Patna, Bibha Kumari was got Succession certificate. Thus the Nutan Kumari has no relation with the Complaint and their family. All the enquiry witnesses examined on behalf of Complaint excluding the Complaint

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himself has supported his case. The complainant has also produced the photo. - copy of the Sale-deed executed by Nandan Singh in favour of Ghurni Devi. on perusal of the said Sale-deed it appears that the accused no-1. Nandan Singh has represented herself to be the wife of Lt. Shankar Sharan Singh and executed the alleged Sale-deed.

It has been held by the Honorable Supreme Court of India in the case of Md. Ibrahim and others vs. State of Bihar that execution of documents purporting to convey same property of which he is not the owner is not execution of false documents, as defined in Sec 464 of the IPC. Thus there is no offence of forgery.

Likewise in the instant case the complainant is not the purchaser. Therefore he has not been deceived. Therefore it can not be said the first accused Nandan Singh by the act of executing Sale-deed in favour of accused no-4. Ghurni Devi or accused no-2. Nityanjay Singh and accused no-3. Ram Nandan Rai by reason of being witnesses in

Court

