

**IN THE COURT OF S.D.J.M., BIRAUL**

**C.R. No.-40/2021**

**ASHA LAL DEV**

**Vs.**

**HULSIT LAL DEV AND OTHERS**

28/11/2022 The instant case record has been put up for passing order after already heard on inquiry under section 202 Crpc. Complainant files attendance.

**ORDER**

1. Complainant Asha Lal Dev files this case against thirteen persons named in the complaint petition regarding the offence of assault, theft, insult and others. Firstly, the complainant was examined on S.A. and thereafter IW1 Prabash Ranjan and IW2 Arjun Lal Dev have been examined on behalf of the complainant. Thereafter, a report u/s- 202 Cr.P.C. was called from the police regarding the incident, which is on record.

2. Perused the Complaint petition, statement of complainant and inquiry witnesses on S.A., the report of the police dated 10/11/2022 and the entire case record. On perusal it appears that the complainant has filed this complaint petition alleging inter-alia that on 21/02/2021 at 09.00 am, the accused persons were putting soil on the complainant's land which he got by way of 'purcha'. When the complainant objected to this then all accused persons abused and assaulted him and forcefully took his thumb impression on three blank paper. When the complainant's son and wife came to save him then all accused persons assaulted them and accused entered in the complainant's house and took two ceiling fan and one box containing cloths and jewelry. Thereafter, the complainant went to the police but no action was taken. For the disputed land there was a previous case before D.C.L.R., which the accused lost and now they forcefully want to possess the disputed land.

In his S.A. the complainant has supported his case. Other two inquiry witnesses have also supported the case of the complainant.

On perusal of the report submitted by the police on dated 10/11/2022, it appears that there is dispute between both the parties with respect to the disputed land. As such, it appears that there might be a possibility of dispute which gave rise to the present incident. But the said report also says that the allegation of theft has not been substantiated.

Hence, considering every aspects of this case it appears that there is sufficient ground to proceed further in this case. As such, a prima facie case is made out u/s- 147, 323, 384 & 504 of I.P.C. against all the thirteen accused persons named in the complaint petition. Complainant is directed to file requisites for issuance of summons against accused persons, thereafter o/c shall issue summons just after receiving of requisites.

Put up on 12-12-2022 for filing requisites by the complainant.

TYPED AND CORRECTED BY ME

S.D.J.M. Biraul