

In the court of SDJM,Dehri.
KUMAR GIRINDRA GAURAV
Complaint case No- C1-14/2019
KAVITA KUER Vs UMESH SINGH & OTHS

09/05/2023 - Today this record is put up order. On previous date this court had the occasion to heard both parties at length, and the matter was fixed for order.

While assessing the material given by complainant and statement of inquiry witnesses, the court will adopt the standard as to “whether the material is sufficient to proceed with the trial”.I conclude that prima-facie,there is sufficient material to take cognizance for the offenses punishable U/S-465,467,468/34 of IPC for following reasons.

Procedural History

In the present case on dated 13/06/2019,predecessor court dismissed the complaint petition, U/S-203 of Crpc. Against the said order, complainant preferred a revision before Ld. Sessions court, and on dated 27/09/2019, the same was allowed and the matter was remitted back before this court. After that on dated 14/02/2022, this court issued summoning order, on which all three accused preferred an anticipatory bail application before Ld. Sessions court, but the same was rejected, after that their anticipatory bail application was granted by Hon'ble Patna High court. After that accused preferred a revision before Ld. Sessions court, and the same was allowed and the matter was again remitted back before this court to pass a fresh order.

Allegation as per complaint:

Complainant case in short, is that her husband was in habit of drinking liquor who was died on 01/05/2015. On 06/01/2019 at about 10:00 AM when all accused persons were measuring ancestral land, she went there and saw that they were measuring her own land and on query they reply that the same has been purchased through sale deed executed on 08/06/2012 by her husband. She further stated that her husband never sold any land during his life time. It has been further alleged that accused persons came to her husband for providing loan to purchase tractor and in pursuance thereof they had taken his finger impression and ten thousand rupees. It is further case of complainant that when protest was made by her, all the aforesaid accused abused and assaulted he.

In support of case complainant produce three inquiry witness namely Pancham Singh, Lal Mohan Singh and Gopal Kumar Singh who supported the case, and stated that death of complainant husband take place due to drinking. Witnesses further stated that all accused did a conspiracy against the Husband(since deceased) of complainant, and on a pretext of purchase of tractor they took her photograph and thumb impression, in a state of intoxication. As per contents of complaint petition it is apparent that complainant has stated therein that her husband (since deceased) was in a habit of drinking wine. From the perusal of the evidence of inquiry witnesses , it is found that they have all stated that accused petitioner got the sale deed executed in his favour by administering wine to Sanjay Kumar.

On, the perusal of complaint petition and perusal of statement of inquiry witnesses, one thing is there that they all were firm over the point that accused after administering some intoxicated substance, take the signature of Sanjay over the sale deed.

At this juncture, it is better to have a glance to chapter-XVIII of IPC,

463. Forgery.— [Whoever makes any false document or false electronic record or part of a document or electronic record, with intent to cause damage or injury], to the public or to any person, or to support any claim or title, or to cause any person to part with property, or to enter into any express or implied contract, or with intent to commit fraud or that fraud may be committed, commits forgery.

464. Making a false document.— [A person is said to make a false document or false electronic record—

First.—Who dishonestly or fraudulently—

- (a) makes, signs, seals or executes a document or part of a document;
- (b) makes or transmits any electronic record or part of any electronic record;
- (c) affixes any [electronic signature] on any electronic record;
- (d) makes any mark denoting the execution of a document or the authenticity of the [electronic signature], with the intention of causing it to be believed that such document or part of document, electronic record or [electronic signature] was made, signed, sealed, executed, transmitted or affixed by or by the authority of a person by whom or by whose authority he knows that it was not made, signed, sealed, executed or affixed; or

Secondly.—Who without lawful authority, dishonestly or fraudulently, by cancellation or otherwise, alters a document or an electronic record in any material part thereof, after it has been made, executed or affixed with [electronic signature] either by himself or by any other person, whether such person be living or dead at the time of such alteration; or

Thirdly.—Who dishonestly or fraudulently causes any person to sign, seal, execute or alter a document or an electronic record or to affix his [electronic signature] on any electronic record **knowing that such person by reason of unsoundness of mind or intoxication cannot, or that by reason of deception** practiced upon him, he does not know the contents of the document or electronic record or the nature of the alteration.]

From, bare perusal of definition of above-mentioned definition, it is crystal clear that present case is wholly covered by it.

I find that a prima-facie case has been made out for the offence punishable U/S- 465,467,468/34 of IPC against all three accused persons namely Umesh Singh, Raja Ram Singh and Dhananjay Singh. I also find there is sufficient materials on the record to proceed against Umesh Singh, Raja Ram Singh and Dhananjay Singh for the offence punishable, U/S-465,467,468/34 of IPC .U.S-204 Crpc.

The complainant is directed to file requisites and talbana/ RCAD, Dasti within 15 days from today, and only thereafter the office is directed to issue the summons.

Put up on for filing requisite.

KUMAR GIRINDRA GAURAV
SDJM, DEHRI-ON-SONE