

261C of 2022 (Rg. No. 208 of 2022)

Present : Sri C. Pramanik, J. M. 2nd Court, Bishnupur, (J.O. Code WB01207)

Order dated 28.03.2023

Today is fixed for report from concerned Police Authority u/s 202 of Cr.P.C.

SI, Bidyut Kumar Pal, O.C Patrasayer PS, Bankura has sent the report along with copy of document. Perused the report along with copy of documents annexed therewith, the complaint filed by the complainant and the examination of the complainant and other witnesses on S.A u/s 200 of Cr.PC.

The brief facts of the complainant is that the complainant namely Mobinur Mondal files this complaint against Anisur Rahaman Mondal complaining therein that Opposite Party has agreed to sale one landed property at mouza ChakPatrasayer, J.L no. 048 LR plot no. 425 and 426 (total 17 decimals). The complainant was agreed to purchase the said property on consideration of Rs.5,75,000/- and the complainant had given Rs.4,50,000/- the O.P in different phases. It was also agreed that OP would execute a deed of sale in favour of the complainant when the complainant would pay the rest amount of Rs.1,25,000/-. The complainant subsequently had taken possession of the said property and constructed boundary wall, kitchen and toilet and started to reside thereon. Subsequently the BL &LRO, Patrasayer has recorded the name of the complainant in LR Parcha. Thereafter the complainant requested on several times to the OP to execute the Deed of Sale in his favour. But OP had avoided the same. Rather the OP lodged a false case before Ld. SDEM, Bishnupur and before Ld. ACJM, Bishnupur. On 21.02.2022 after issuance of notice through his Ld. Advocate, the complainant went to meet the OP with request to execute the Deed of Sale, but the accused person abused the complainant with filthy languages.

After taking cognizance of the case Ld. ACJM, Bishnupur has pleased to forward the case before this court. This court vide order dtd. 02.12.2022 examined the complainant and two other witnesses u/s 200 of Cr.P.C on S/A. But before initiation of process against the OP, the matter was directed to being enquired by the O.C. Patrasayer PS under section 202 of Cr.PC. The O.C, Patrasayer after his enquiry sent the report in connection with this case. In the said report the O.C Patrasayer has mentioned that on 09.11.2022 the O.C.Patrasayer has received a written complaint from the BL &LRO, Patrasayer to the effect that Anisur Rahaman Mondal (OP herein of this case) was the recorded owner of the plot no. 425 having area of 13 decimals and plot no. 426 having area of 4 decimals under mouza Chak Patrasayer, J.L. no. 48 being khatian no. 207/1 and the said plot at present was transferred in the name of the complainant Mobinur Mondal. In the said complaint the BL &LRO, Patrasayer has made specific allegation of cheating and committing forgery by using forged documents to mislead the Government Official and to obtain favour order using fake document by the complainant Mobinur Mondal and a specific case being Patrasayer PS case No. 238 of 2022 dtd. 09.11.2022 u/s 406/420/467/468/471/182/120B of IPC has

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already been started against the complainant Mobinur Mondal and the investigation of this case is still pending.

The complainant in this case suppressed the said facts in his complaint. There is no whisper in the complaint that the BL & LRO, Patrasayer has already lodged a complaint against him at Patrasayer PS. He, therefore, did not come before the Court with clean hands.

No copy of agreement for Deed of Sale between the complainant and the OP, has been filed by the complainant in this case. Moreso, it is a case which is purely Civil in nature the remedy lies elsewhere.

Considering the materials on record, the report of the OC. Patrasayer PS u/s 202 of Cr.PC., examination of the complainant and witnesses u/s 200 of Cr.P.C. this court is of view that there is no sufficient grounds for further proceeding of this case. Accordingly the complaint is dismissed.

Hence,

it is ORDERED

that the instant complaint be and the same is considered and dismissed u/s 203 of Cr.P.C.

Note in relevant Register.

D & C by

Judicial Magistrate, 2nd Court,
Bishnupur.

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Bishnupur.