

Vinod Kumar Vs. Pramod Kuamr Judgement Given By: Hon'ble Shri Justice N.K. Gupta

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Court : Madhya Pradesh

Decided On : Jan-20-2014

Appellant : Vinod Kumar

Respondent : Pramod Kuamr Judgement Given By: Hon'ble Shri Justice N.K. Gupta

Advocate for Pet/Ap. : Shri. A.K.Gupta

Judgement :

M.Cr.C.No.2134/2008 M.Cr.C.No.2134/2008 20.1.2014 Shri A.K.Gupta, counsel for the applicant.

Shri S.D.Khan, G.A.for the State/respondent No.2.

Heard on admission.

The applicant has challenged the order dated 28.12.2007 passed by the Additional Sessions Judge, Rewa in criminal revision No.312/2007, whereby the order dated 26.9.2007 passed by the SDM, Tahsil Huzur, District Rewa in criminal case No.7/2007 under section 145 of the Cr.P.C.was confirmed.

The facts of the case, in short, are that the SHO, Police station City Kotwali, District Rewa filed a complaint under section 145 of the Cr.P.C.that a house of

Pramod Kumar was constructed on land bearing survey No.209/20 and the applicant Vinod Kumar was interfering in the possession of that property.

After considering the evidence adduced by the parties, the learned SDM vide order dated 26.9.2007 directed that the applicant shall not interfere in the possession of the opposite party.

The order passed by the learned SDM was confirmed in criminal revision by the learned FiRs. Additional Sessions Judge, Rewa.

M.Cr.C.No.2134/2008 After considering the submissions made by the learned counsel for the applicant, it appears that the applicant purchased a piece of land bearing survey No.209/02 of Mauja Dekhkha, Tahsil Huzur, District Rewa.

He got Bhuadhikar Avam Rin Pustika of that land and his possession was also shown in revenue records up to 2005.

However, looking to the revenue records, his name was shown on the plot bearing survey No.209/06.

Under such circumstances, prima facie he had no ownership or possession on the plot bearing survey No.209/02.

The evidence adduced before the SDM indicates that the applicant was quarreling for the possession of the plot, which was in the possession of the non applicant Pramod Kumar bearing survey No.209/02.

Under such circumstances, where the applicant could not show any reason to have the possession on plot bearing survey No.209/02, the order passed by the learned SDM appears to be correct.

No illegality or perversity is found in the orders passed by both the Courts below.

Under such circumstances, it is not a case in which any interference can be done in the orders passed by both the Courts below.

Under such circumstances, the present application under section 482 of the M.Cr.C.No.2134/2008 Cr.P.C. filed by the applicant Vinod Kumar cannot be accepted.

Consequently, it is hereby dismissed at motion stage.

A copy of the order be sent to both the Courts below for information.

(N.K.GUPTA) JUDGE Pushpendra

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