

**IN THE HIGH COURT OF MADHYA PRADESH**  
**BENCH AT INDORE**

**(SB: Hon'ble Mr. Justice Alok Verma)**

**MCRC No.3091/2015**

Basantilal S/o Jagannath Choudhari

Vs.

State of MP and another

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Shri Virendra Sharma, learned counsel for the applicant.  
Shri M.A. Mansoori, learned counsel for the respondent/State.

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**ORDER**

**(Delivered on this 29<sup>th</sup> day of July, 2015)**

This application under section 482 of Cr.P.C. is directed against the order passed by learned JMFC in Criminal Case No.7683/2012 dated 11.01.2013 by which learned JMFC committed case for trial to the Sessions Court.

This application under section 482 of Cr.P.C. is based on the ground that in this case, challan was submitted prior to the amended Cr.P.C. and, therefore, the amendment had no retrospective effect as laid down by this Court in the order reported in **14(4) M.P.H.T. 69**. The second ground taken by the applicant is that two FIRs have registered by the concerning

police station based on the same set of facts and, therefore, on the basis of same set of facts, two separate FIRs are not possible.

The brief facts pertaining to this application are that Municipal Corporation, Ujjain, lodged a report at Police Station – Mahakal, stating therein that the land in survey nos.2433/5 and 2104/5 situated at Rudrasagar, Ujjain, was acquired in the year 1974. The present applicant submitted an objection before the Land acquisition Officer, however, after giving him an opportunity of hearing, the Land Acquisition Officer held that one Sharad Kumar was the real owner of the land. Two appeals were filed against this order before the High Court and both of them were dismissed. It is alleged that present applicant committed interpolation in the official record and showed him to be the owner of the land. He also filed a forged sale deed purported to have been executed by one Ratanlal in his favour and the sale deed was submitted before the civil court. Accordingly, knowing fully well that he is not the owner of the land, he entered into such transaction on the basis of forged documents and, therefore, complaint was lodged by Municipal Corporation, Ujjain, against him which

was registered at Police Station – Mahakal. The charge-sheet was filed and by the impugned order, the case was committed to sessions.

After going through the copies of the charge-sheet filed by the applicant, it is apparent that the applicant has directly approached this Court without raising these two grounds before the learned lower court. He has also not filed any revision against the impugned order. When there are other remedies available to the present applicant to raise his objections, directly approaching this Court under section 482 of Cr.P.C. is not permissible.

In this view of the matter, I find that the application appears premature. Accordingly, the application is dismissed with the direction to the applicant to raise these grounds before the concerning court under the appropriate provision of law and then approach this Court, if need so arises.

With this observation and direction, the application stands disposed of.

C.c as per rules.

**(Alok Verma)**  
**Judge**

