

HIGH COURT OF MADHYA PRADESH: BENCH AT INDORE

BEFORE HON.MR. JUSTICE ALOK VERMA, JUDGE

M.Cr.C. No.7237/2015

Onkar S/o Mangliya Bhilala

Vs.

State of Madhya Pradesh

O R D E R

Post for 28.10.2015

**(ALOK VERMA)
JUDGE**

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Shri Nilesh Dave, learned counsel for the applicant.
Shri Romesh Dave, learned counsel for the
respondent/State.

O R D E R

(Passed on this 28th day of October, 2015)

This application under Section 482 Cr.P.C. is directed against the order passed by learned Additional Sessions Judge, Dharampuri, District-Dhar in Criminal Revision No.117/2015 dated 03.08.2015 whereby the learned Additional Sessions Judge confirmed the order passed by learned Judicial Magistrate, Dharampuri, District Dhar in criminal case No.597/2006 dated 06.05.2015.

The brief facts giving rise to this application are that on 06.07.2006, the complainant-Sardar Singh lodged a complaint before the Police Station-Dharampuri that he was Bhumi Swami of land

measuring 5.802 hectares situated in village Sarasgaon, Tehsil Manawar. On 13.06.2006, he applied to obtain loan from the bank and a search report was made in respect of his land and there it emerged that his land was already sold by somebody to one Mohan S/o Satya, Dayaram S/o Megha, Bhagwan S/o Rama and only 0.70 hectare was remaining in his account. When he contacted the purchaser of the land, he was informed that one Alok Narayana, who was working as an Advocate got the registry made after receiving some amount as commission. On this report, a crime was registered under Section 420, 467, 468, 471, 120-B and 34 of IPC. The matter was committed to Court of Sessions on 06.05.2015 after 9 years of filing of charge-sheet.

The moot question involved in this matter is whether the principles laid down by Hon'ble Apex Court in case of "**Ramesh Kumar Soni Vs. State of Madhya Pradesh 2013 CRLJ 1738 (SC)**" was rightly applied by the learned Magistrate.

The counsel for the applicant placed reliance in the judgment passed in the case of "**Dilip Kumar Vs. State of M.P. 2015 (1) M.P.H.T. 177**" in which this Court held that when six prosecution witnesses were examined, the trial of the case may be considered in advance stage, and therefore, the matter was remanded back to the Court of Magistrate for trial. However, in this case, even, charges could not be framed when the matter was

committed to the Court of Sessions, and therefore, learned Sessions Judge found that no illegality was committed by the Magistrate.

After going through the impugned order as well as the order passed by the Magistrate, I find no illegality in the impugned order when the case is at initial stage of trial, it has to be committed as per the principles laid down by Hon'ble Apex Court in case of "**Ramesh Kumar Soni (supra)**". In this view of the matter, no case is made out for any interference under Section 482 Cr.P.C. This application is devoid of merit and liable to be dismissed, and dismissed accordingly.

(Alok Verma)
Judge

Chitranjan