

Rajendra Patel Vs. the State of M.P.

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Court : Madhya Pradesh

Decided On : Feb-26-2013

Appellant : Rajendra Patel

Respondent : The State of M.P.

Judgement :

CRR No.896/1999 Criminal Revision No.896/1999 26.2.2013 None for the applicant.

Shri S.K.Kashyap, Public Prosecutor for the State/respondent.

The revision application is pending since the year 1999 and no one is appearing to argue the matter.

Under such circumstances, it would be proper to consider the matter on merits.

Heard the learned Public Prosecutor.

The applicant has challenged the order dated 20.4.1999 passed by the learned Additional Sessions Judge, Harda in criminal revision No.60/1998, whereby the order dated 21.5.1998 passed by the learned JMFC, Harda in criminal case no.244/1998 was set aside.

The facts, relating to the present revision, in short, are that, a prosecution was directed against the applicant and others that they had timber, without getting it in

proper manner and therefore, timber was seized and a prosecution was initiated against the applicant and others. One application was moved by the applicant for getting those timber articles on Supurdginama and vide order dated 21.5.1998, the learned JMFC gave that timber on Supurdginama.

The learned Additional Sessions Judge, Harda in criminal revision No.60/1998 vide CRR No.896/1999 judgment dated 20.4.1999, set aside the order passed by the JMFC.

It appears that the learned Additional Sessions Judge has set aside the order passed by the learned JMFC because the timber was seized by the forest officers and a proceeding of confiscation was initiated.

Under such circumstances, the rights of JMFC under section 457 of the Cr.P.C. were seized and no such order of Supurdginama could be passed.

The order passed by the learned Additional Sessions Judge appears to be correct and according to law and therefore, there is no illegality or perversity visible in the order dated 20.4.1998 passed by the learned Additional Sessions Judge, Harda.

Therefore, the present revision cannot be accepted.

Consequently, the present revision application filed by the applicant Rajendra relating to that impugned order is hereby set aside.

(N.K.GUPTA) JUDGE Pushpendra

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