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Jyoti Vs. the State of Madhya Pradesh

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Court : Madhya Pradesh

Decided On : Jan-31-2013

Appellant : Jyoti

Respondent : The State of Madhya Pradesh

Advocate for Pet/Ap. : Shri. D.K.Sharma

Judgement :

Cr R No.2158 o

30. 01.2013 Shri D.K.Sharma, learned counsel for the applicants.

Shri Punit Shroti, learned PL for respondent no.1-State.

The applicants- victims have filed this revision being aggrieved by the order dated 13.8.2012 passed by the Upper Sessions Judge, Pipariya, district Hoshangabad in S.T.No.2/10 whereby their application filed under Section 319 of Cr.P.C.to implead the respondent Nos.7 to 10 as accused in the case alongwith respondent Nos.2 to 6 has been dismissed.

In the couRs.of arguments on admission applicants' counsel submits that subsequent to filing of this revision, the trial of the impugned Sessions Trial has been concluded till the extent of existing accused, respondent Nos.2 to 6 by the trial court and no proceeding of such trial is pending before such court in the matter.

In such circumstances, on asking the applicants' counsel that after concluding the trial of the case by trial court, how this revision could be entertained and adjudicated on merits because even on allowing this revision, the trial court could not be directed to hold the trial against respondent Nos.7 to 10 alongwith existing accused - respondent Nos.2 to 6.

It is undisputed fact that by entertaining this revision the trial court could not be directed to interfere in the aforesaid judgment passed in the sessions trial whereby the existing accused have been convicted and sentenced.

In response of aforesaid query, instead to argue further, applicants' counsel seeks permission to withdraw this revision with liberty to file appropriate private complaint against respondent Nos.7 to 10 with respect of the alleged offence committed by them against the victiMs.He also submits that such liberty has been extended to him by the trial court also while passing the impugned order.

In view of aforesaid by allowing the prayer of the applicants' counsel this revision petition is hereby dismissed as withdrawn and not pressed with liberty aforesaid to initiate appropriate proceeding before the appropriate forum permissible under the law.

C c as per rules.

(U.C.Maheshwari) Judge bks

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