

King-emperor Vs. Ram Narain

King-emperor Vs. Ram Narain

SooperKanoon Citation : sooperkanoon.com/459275

Court : Allahabad

Decided On : Mar-15-1926

Reported in : AIR1926All577

Appellant : King-emperor

Respondent : Ram Narain

Judgement :

Daniels, J.

1. This is an application by the Crown through the Government Advocate for revision of an order of the District Judge of Meerut upholding in appeal an order of the Munsif of Baghpat refusing to file a complains under Sections 195 and 476 of the Criminal P.C. against the opposite party, Ram Narain, in respect of a pro-note alleged to be forged.

2. In the suit on the pro-note the plaintiff agreed to abide by the oath of the defendant. The defendant went into the witness-box and swore that the claim was false; and the suit was dismissed. The defendant subsequently applied to the Munsif to prosecute the plaintiff Ram Narain. The Munsif, on the application of the accused Ram Rikh and others, summoned witnesses whom they desired to examine to prove that the suit was false; but on the actual date of hearing the Munsif did not hear the witnesses and refused to make a complaint on the ground that it was not proper to grant sanction in a case which was, as he puts it, decided

'by consent of parties' and when no evidence had been recorded. The learned Munsif acted injudiciously in making this order. The fact that a case was decided on the oath of the defendant is not a sufficient ground for refusing the defendant an opportunity to prove to the satisfaction of the Court that the claim had been brought on a false document.

3. At the same time I must take note of the fact that this application has been brought after a great deal of delay. The order of the District Judge rejecting the appeal was passed on 31st August last and the present application was not filed in this Court until the 26th of January. Although there is no law of limitation applicable to revision applications it is the settled practice of this Court not to admit them unless they are made within reasonable time after the order complained of. There is the further difficulty in the way of the applicant that a Judge of this Court has recently held in the case of Banwari Lal v. Jhunka : AIR1926 All229 that where the order complained of is passed by a civil appellate Court no revision lies to this Court under Section 439 of the Criminal P.C. Even (Sic) I were disposed to feel any doubt as to the view taken in the case, this would not be a suitable occasion on which to bring the matter before a Bench. For these reasons I dismiss the present application.