

Sarju Pershad Vs. State and Others

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Court : Delhi

Decided On : Apr-18-1995

Reported in : 1995CriLJ4213

Judge : M.S.A. Siddiqui, J.

Appeal No. : Crl.R. 266 of 1980

Appellant : Sarju Pershad

Respondent : State and Others

Judgement :

ORDER

1. The petitioner was convicted under Sections 279, 338, I.P.C. by Shri M. A. Khan, Chief Metropolitan Magistrate, Delhi vide judgment dated 17th July, 1980. He was sentenced to rigorous imprisonment for one month and to pay a fine of Rs. 200/- under Section 279, I.P.C. or in default to suffer further simple imprisonment for 15 days and under Section 338, I.P.C. was sentenced to rigorous imprisonment for four months and to pay a fine of Rs. 500/- or in default to undergo further simple imprisonment for one month. Conviction and sentence were challenged by the petitioner by way of filing an appeal which was however dismissed by the learned Additional Sessions Judge, Delhi vide judgment dated 12th September, 1980. Aggrieved by the impugned judgment the petitioner has preferred this revision before this court.

2. It is well settled that normally the jurisdiction of this court under Section 401, Cr.P.C. is to be exercised only in exceptional cases when there is a glaring defect in the procedure or there is a manifest error on a point of law which has consequently resulted in flagrant miscarriage of justice. In the present case there is nothing to indicate that there is any glaring defect in the procedure adopted by the learned Additional Sessions Judge or that there was a manifest error on a point of law in the impugned judgment which has resulted in flagrant miscarriage of justice which needed to be set right by this court.

3. On a careful perusal of the evidence on record, I find that there is no misappreciation of the evidence on record by the learned Additional Sessions Judge which could be said to have resulted in gross failure of justice, warranting interference by this Court under Section 401, Cr.P.C.

In the result the revision is dismissed.

The record of the lower court be sent back.

4. Petition dismissed.