

Ram Sahal Vs. State and ors.

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Court : Rajasthan

Decided On : Jan-20-2009

Reported in : RLW2009(1)Raj782

Judge : Mahesh Chandra Sharma, J.

Appellant : Ram Sahal

Respondent : State and ors.

Disposition : Petition allowed

Judgement :

Mahesh Chandra Sharma, J.

1. By filing Instant criminal -revision the petitioner has challenged the judgment dated 27.6.2007 passed by Addl. District & Sessions Judge, Fast Track No. 1 (for short 'the revisional court') whereby the revision petition filed by the petitioners has been allowed and the order dated 5.9.2005 passed by Judicial Magistrate, 1st Class Rajakheda (for short 'the trial Court'), has been set-aside.

2. Brief facts of the case are that on 21.12.2002 petitioner complainant filed a complaint in the trial Court against the accused respondents for the offence under Sections 167, 182, 418, 420, 466, 469, 471, 477, 120B IPC and 3(2) SC/ST Act and 340 of the Rajasthan Police Regulation.

3. The aforesaid complaint was dismissed in default, as such the complainant filed a second complaint in the trial Court with the same averments.
4. The trial Court recorded the statement of the complainant under Section 200 Cr.P.C. and witnesses under Sections 202 Cr.P.C. and complainant produced certain documents.
5. The trial Court after hearing the arguments of the complainant vide its order dated 5.9.2005 partly allowed the complaint and took cognizance against the accused respondents No. 2 to 4 for the offence under Sections 167, 120 IPC.
6. The accused non-petitioners No. 2 and 3 being aggrieved with the order dated 5.9.2005 passed by the trial Court preferred a criminal revision in the revisional Court.
7. The revisional court vide its order dated 27.6.2007 after hearing allowed the revision petition filed by accused respondents No. 2 and 3 and quashed and set-aside the order passed by the trial Court.
8. The complainant petitioner being aggrieved with the order dated 27.6.2007 passed by the revisional court has preferred instant revision.
9. I have heard both the counsel appearing for the respective parties and carefully gone through the material made available to me.
10. Mr. Kala, has stressly drawn attention of the court of the case of Raj Kumar Roy v. Kamleshwar Pandey and Anr. reported in 2002 (2) WLC (SC) 321 and made a prayer to this Court that the revisional Court be directed to pass an afresh order, on the application of petitioner, after taking into consideration the Judgment delivered in the case of Raj Kishor Roy (supra).
11. Mr. R.S. Shekhawat PP for the State assisted by Mr. Arvind Sharma appearing on behalf of Mr. Anurag Sharma, counsel for the accused respondents submit that the revisional Court has rightly passed the impugned order.
12. In my view as also in the interest of justice, the order passed by the revisional court needs interference of this Court.

13. In the result, this criminal revision petition is allowed and the order dated 27.6.2007 passed by the Addl. District & Sessions Judge, (Fast Track) No. 1, Dholpur is quashed and set-aside. The matter is remanded to the revisional court with the direction to re-hear both the parties after taking into consideration the Judgment delivered in the case of Raj Kishor Roy (supra), within a period of 15 days from the date of receipt a certified copy of this order.

Both the parties are directed to remain present in the revisional Court on 10.2.2009

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