

Ugam Raj Vs. State

Ugam Raj Vs. State

SooperKanoon Citation : sooperkanoon.com/758780

Court : Rajasthan

Decided On : Jan-14-1993

Reported in : 1993CriLJ2301

Judge : Milap Chandra, J.

Acts : Code of Criminal Procedure (CrPC) , 1974 - Sections 256, 256(1) and 482

Appeal No. : Cr. Misc. Petition No. 412/92

Appellant : Ugam Raj

Respondent : State

Advocate for Def. : H.R. Panwar, P.P.

Advocate for Pet/Ap. : P. R. Chaudhary, Adv.

Disposition : Petition dismissed

Judgement :

ORDER

Milap Chandra, J.

1. This is a petition under Section 482, Cr.P.C. against the order of the learned Munsif, cum-Judicial Magistrate, Pipar City dated 09-09-92 by which he has refused to dismiss the complaint.

2. It is contended by the learned Counsel for the petitioner that it was obligatory on the part of the Munsif-cum-Judicial Magistrate to dismiss the complaint on 7-9-92 as on that day the complainant was not present in person.

3. In reply, it is contended by the learned Public Prosecutor that on 7-9-92 the complaint was filed, it was not obligatory for the complainant to appear in person on that day and on the next day i.e., 9-9-92 the complainant was present.

4. Admittedly, 7-9-92 was not the date fixed for the appearance of the accused as required under Section 256(1), Cr.P.C. As such the provisions of Section 256, Cr.P.C. were not attracted on 7-9-92. Thus there is no substance in the petition moved under Section 482, Cr.P.C.

5. Consequently, the petition moved under Section 482, Cr.P.C. is dismissed.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com