

Jeevan Ram Vs. State of Rajasthan

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Court : Rajasthan

Decided On : Mar-14-2002

Reported in : 2002(3)WLN508; 2002(3)WLN508

Judge : Sunil Kumar Garg, J.

Acts : [Code of Criminal Procedure \(CrPC\) , 1973](#) - Sections 319

Appeal No. : S.B. Criminal Revision Petition No. 403 of 2002

Appellant : Jeevan Ram

Respondent : State of Rajasthan

Advocate for Def. : Mridul Jain, Adv.

Advocate for Pet/Ap. : D.D. Kalla, Public Prosecutor; Chaitanya Gehlot, Adv.

Disposition : Revision petition dismissed

Judgement :

Garg, J.

1. This revision petition has been filed by the complainant Opetitioner against the order dated 7.7.2000 passed by the learned Additional Sessions Judge No. 2, Bikaner in Sessions Case No. 41/99 by which he rejected the application filed by the complainant under Section 319 Cr.P.C. by which he prayed that cognizance

for offence under Sections 498-A and 304-B I.P.C. be further taken against the respondents Kama Ram, Smt. Chothi and Mohan Ram as additional accused.

2. It arises in the following circumstances :

(i) On the report of complainant- petitioner which was filed on 14.6.99 in the Police Station Nokha, Distt. Bikaner, a challan was filed against Asu Ram, Tulchha Ram and Rakma Devi for offence under Section 498-A and 304-B I.P.C. about the dowry death of Smt. Durga.

3. When the trial of that case was going on, an application under Section 319 Cr.P.C. was filed by P.P. with a prayer that respondents No. 2 to 4, namely, Kama Ram, Smt. Chothi and Mohan Ram be further added as additional accused and cognizance be taken against them under Section 319 Cr.P.C.

4. That application was rejected by the learned trial Judge through order dated 7.7.2000.

5. Aggrieved from the order dated 7.7.2000, this revision petition has been filed by the petitioner.

6. During the course of argument, it has been submitted on behalf of the counsel for respondents No. 2 to 4 that the main sessions case in which respondents No. 2 to 4 were asked to be added as additional accused had come to an end and the judgment in that sessions case was delivered on 20.4.2001 by which the main accused persons of that case were acquitted of all the charges framed against them and thus, since today no case was pending, therefore, this revision petition has become infructuous and it be dismissed as infructuous.

7. It may be stated here that against the judgment and order of acquittal dated 20.4.2001, the State has also filed an appeal in which leave has been granted and the same is pending as S.B. Criminal Appeal No. 819/2001.

8. The point that arises for consideration is when the main sessions case had come to an end whether respondents No. 2 to 4 can be added as additional accused on an application under Section 319 Cr.P.C.

9. This court while deciding S.B. Criminal Revision Petition No. 742/2001 Sawant Ram v. State of Rajasthan on 14.2.2002 took a view that trial of persons to be added as accused has to be with the accused already before the Court and separate trial is not envisaged. Since main sessions case had come to an end and, therefore, question of adding these accused persons in that case after taking cognizance under Section 319 Cr.P.C. does not arise at all. When this being the position and trial has already come to an end, this revision petition has become infructuous and the same is liable to be dismissed.

Accordingly this revision petition filed by the petitioner complainant is dismissed as having become infructuous.

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