

Tara Chand Vs. State and anr

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Court : Rajasthan

Decided On : Jul-06-2011

Judge : Mahesh Bhagwati, J.

Acts : Indian Penal Code (IPC) - Sections 379, 323, 341, 504; Code Of Criminal Procedure (CRPC) - Section 482; SC And ST (Prevention of Atrocities) Act. - Section 3

Appeal No. : Case No. CRLMP 1079 of 2004

Appellant : Tara Chand

Respondent : State and anr

Advocate for Def. : Mr. G.S. Fauzdar, Adv

Judgement :

1. By way of the instant petition filed under Section 482 of Cr PC, the petitioner has impugned the order dated 11th July, 2003 as also 4th February, 2004 rendered by Judicial Magistrate, First Class, Bonli, District Sawai Madhopur in Criminal Case No. 174/2003 and Special Judge, SC/ST Court, Sawai Madhopur in Criminal Revision No. 68/2003 respectively.

2. Having perused the order dated 11th July, 2003 rendered by the Judicial Magistrate, Bonli, it is noticed that one FIR No. 198/2001 came to be registered at Police Station, Bonli for the offences under Section 379, 323, 341, 504 of Indian

Penal Code and Section 3 of SC/ST (Prevention of Atrocities) Act. The police after completion of investigation, gave the Final Report. On the protest petition being filed by the complainant, the learned trial court examined the complainant under Section 200 and recorded the statement of the witnesses namely Ram Pal and Dinesh under Section 202 of Cr PC. Having found that there was ample evidence with regard to the offence under Section 323 and 341 of Indian Penal Code, the learned trial court took cognizance of the said offences and proceeded against the accused persons accordingly. Aggrieved with the impugned order of the Judicial Magistrate, Bonli, the petitioner Tara Chand preferred a revision petition and the learned revisional court dismissed the revision petition and uphold the order of the court of Judicial Magistrate, First Class, Bonli.

3. None is present for the petitioner in the court. It is revealed from the order sheets recorded by this Court that on 29th April, 2011 as also on 9th May, 2011 none appeared on behalf of the petitioner, which reflects that the petitioner is not interested in prosecuting the instant petition. However, a bare perusal of the orders passed by the courts below reveals that on the basis of the evidence available on record, the offence under Section 323 and 341 of Indian Penal Code was, prima-facie, made out and the learned Judicial Magistrate, Bonli rightly took the cognizance of the said offences. The learned revisional court also did not deem to interfere with the order of the learned Judicial Magistrate and dismissed the revision petition. I do not find any infirmity in the impugned orders passed by the courts below. On the contrary, they are found to be just and apt and warrant no intervention.

4. In view of above, the criminal misc. petition fails and the same being bereft of any merit deserves to be dismissed, which stands dismissed accordingly.

5. Consequent upon the dismissal of criminal misc. petition, the stay application, filed therewith, does not survive and that also stands dismissed.

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