
(1999) 04 AHC CK 0108
In the Allahabad High Court
Case No : Criminal Revision No. 38 of 1998

Daroga and Ors.

APPELLANT

Vs

State of U.P.& Anr.

RESPONDENT

Date of Decision : 19-04-1999

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 195, 197, 397, 401

Citation : (1999) 04 AHC CK 0108

Hon'ble Judges : B.K.Rathi, J

Final Decision : Dismissed

Judgement

B. K. Rathi.,J.

1. Heard Sri VP. srivastava and the learned A.G. A.
2. This revision under Section 397/401, Cr, P.C. has been filed against the order dated 2661997, passed by Judicial Magistrate, Kasia district Kushi Nagar by which the objections of the applicant were rejected.
3. The facts giving rise to this revision are as follows:

The allegation against the applicants was that they got a forged saled deed executed. They are, therefore, being prosecuted under Section 465/467/468 and 120B, I.P.C. The applicants filed objections that prosecution is barred by Section 195, Cr. P.C. for the reason that alleged deed was filed before the Consolidation Officer for mutation, that therefore, Consolidation Officer alone could have filed complaint. This contention is not accepted and therefore, present revision has been preferred. In view of decision of Hon'ble Supreme Court in the case of Sachida Nand Singh v. State of Bihar, AIR 1998 SC 1121: 1998 JIC 838 (SC), the contention is not correct and was rightly repelled by the learned Magistrate.

4. It is also contended that prosecution of applicant No. 6 who is SubRegistrar is barred under Section 197, Cr. P.C. The learned Counsel for the opposite parties contended that this plea has been raised for the first time in revision. No finding

on the basis of this plea could be given at this stage. However, trial Court will consider this plea at the time of final hearing.

5. With the above observations, the revision is dismissed. Revision dismissed.