
(2010) 11 UK CK 0123
In the Uttarakhand High Court
Case No : Criminal Revision No. 212 of 2010

Ganesh Singh Rana

APPELLANT

Vs

Forest Range Officer and Another

RESPONDENT

Date of Decision : 26-11-2010

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 305(2), 397

Citation : (2011) 1 NCC 342 : (2011) 1 UD 94

Hon'ble Judges : Tarun Agarwala, J

Bench : Single Bench

Judgement

Tarun Agarwala

1. Having heard the learned counsel for the revisionist, it transpires that a criminal complaint was filed against Ganesh Singh Rana accusing him of encroaching upon the forest land. A reading of the First Information Report indicates that the company, in which the accused was working as the Managing Director, was also involved in the encroachment of the land. Proceedings were continuing before the trial court wherein an application was filed by the accused u/s 305(2) of the Criminal Procedure Code praying that he may be permitted to appoint a representative to represent him before the trial court. This application was allowed by the trial court against which, the complainant filed a revision, which was allowed and the order of the trial court was set aside. The accused, being aggrieved, has filed the present revision u/s 397 of the Cr.P.C.

2. Having heard the learned counsel for the revisionist, the Court finds that the revisionist is not entitled for any relief, Section 305(2) of the Cr.P.C. is quoted hereunder :

305(2) Where a corporation is the accused person or one of the accused persons in an inquiry or trial, it may appoint a representative for the purpose of the inquiry or trial and such appointment need not be under the seal of the corporation.

3. A perusal of the aforesaid provision indicates that where a corporation is named as an accused person, the said corporation may appoint a representative for the purpose of the inquiry or trial. In the present case, the revisionist has been named as the accused, and, subsequently, he cannot appoint another person to represent him before the trial court. Section 305 only allows a corporation to be represented by another person since a corporation cannot represent itself, but being a legal entity has a right to represent itself by an appointment of a person.

4. In view of the aforesaid, this Court does not find any error in the impugned order. The revision is accordingly dismissed.