
(2010) 09 AHC CK 0119
In the Allahabad High Court
Case No : Criminal Revision No. 3664 of 2010

Kishori Lal and Others

APPELLANT

Vs

State of U.P. and Another

RESPONDENT

Date of Decision : 01-09-2010

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 200, 202
Penal Code, 1860 (IPC) — Section 147, 148, 149, 201, 302

Citation : (2011) 1 ACR 704

Hon'ble Judges : S.C. Agarwal, J

Bench : Single Bench

Judgement

S.C. Agarwal, J.—Heard Sri Kamal Krishna, senior advocate assisted by Sri Pradeep Kumar Rai, learned Counsel for the revisionists, learned A.G.A. for the State, Sri Sudhir Kumar Srivastava, learned Counsel for opposite party No. 2 and perused the material available on record.

2. The instant revision is directed against the order dated 27.4.2010 passed by A.C.J.M., Court No. 7, Jhansi in Criminal Case No. 613 of 2009, whereby the revisionists were summoned to face trial under Sections 147, 148, 364, 302/149, 201, I.P.C.

3. Learned Counsel for the revisionists submitted that incident is alleged to have taken place on 6.4.2003 whereas, the complaint was filed after more than two years on 14.7.2005. The dead body was never recovered by the police. It was further submitted that earlier on 22.5.2000, F.I.R. was lodged by revisionist Madan against opposite party No. 2 Awdhesh, the alleged deceased Ravi Shekhar alias Sunnu and others under Sections 364, 302. 201, I.P.C. wherein charge-sheet was submitted by police. It was contended that in that case, the alleged deceased Ravi Shekhar alias Sunnu never surrendered and was absconding and now it has been falsely claimed that Ravi Shekhar alias Sunnu has been kidnapped and murdered by the revisionists.

4. Learned A.G.A. and learned Counsel for the complainant supported the

impugned order.

5. The summoning order has been passed on the basis of allegations made in the complaint and the statements of complainant and his witnesses recorded under Sections 200 and 202, Code of Criminal Procedure At this stage, I am not inclined to interfere in the matter. The order passed by the Magistrate does not suffer from any illegality.

6. However, in the facts and circumstances of the case, specifically the fact" that F.I.R. was lodged more than two years after the incident and the dead body of the alleged deceased was never recovered, the revision is disposed of with a direction that if the revisionists surrender before the Magistrate concerned within a period of three weeks from today and apply for bail, their prayer for bail be considered by the courts below expeditiously, if possible on the same day.

7. For a period of three weeks from today, no coercive steps shall be taken against the revisionists.