
(2010) 08 AHC CK 0478
In the Allahabad High Court
Case No : Criminal Revision No. 3042 of 2010

Leelu and Another

APPELLANT

Vs

State of U.P. and Another

RESPONDENT

Date of Decision : 05-08-2010

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 319
Penal Code, 1860 (IPC) — Section 302, 34, 504

Citation : (2011) 1 ACR 578

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

Bench : Single Bench

Final Decision : Dismissed

Judgement

S.C. Agarwal, J.—Affidavit filed by the revisionists is taken on record.

2. Heard learned Counsel for the revisionists and learned A.G.A. for the State.

3. This revision is directed against the order dated 22.7.2010, passed by the Addl. Sessions Judge (Special) Baghpat in S.T. No. 602 of 2009, State v. Bhim and Anr. whereby the revisionists Leelu s/o Omkar and Leelu s/o Ishwar were summoned u/s 319, Code of Criminal Procedure to face trial u/s 302 read with Sections 34 and 504, I.P.C.

4. Learned Counsel for the revisionists submitted that the revisionists were named in the F.I.R. After investigation, it was found that the revisionists were not involved in the crime and therefore, no charge-sheet was submitted against them. During trial of the co-accused, an application was moved by the prosecution u/s 319, Code of Criminal Procedure, which was allowed by the Court on the basis of statements of Rajpal (P.W. 1) and Raj Singh (P.W. 2). It was submitted that evidence against the revisionists was not sufficient to prove their involvement in the crime.

5. Learned A.G.A. has supported the impugned order and submitted that the impugned order has been passed by learned Sessions Judge on the basis of

evidence available on record and learned trial Judge has also recorded his satisfaction that the evidence is of such a nature, which may be sufficient for conviction of the revisionists.

6. A perusal of the statements of P.W. 1 and P.W. 2 recorded before the trial court reveals that there is sufficient evidence against the revisionists to show their involvement in the crime.

7. I entirely agree with the observations made by learned Sessions Judge that evidence is of such a nature, if unrebutted the same may be sufficient for conviction.

8. In these circumstances, I do not find any illegality in the impugned order. The revision lacks merit and is accordingly dismissed.

9. However, if the revisionists surrender before the Court concerned within three weeks from today, their application be disposed of at the earliest by the trial court as the co-accused are already on bail.