

(2008) 12 AHC CK 0183
In the Allahabad High Court

Man Singh Yadav

APPELLANT

Vs

State of U.P.and Another

RESPONDENT

Date of Decision : 10-12-2008

Acts Referred:

Citation : (2008) 12 AHC CK 0183

Hon'ble Judges : A.K.Roopanwal, J

Final Decision : Allowed

Judgement

A.K. Roopanwal, J.

This petition under Section 482, Cr.P.C. has been moved against the order dated 11.7.08 passed by the court below whereby the final report was rejected and the protest petition was allowed. Thereafter, cognizance was taken under Section 190(1)(b), Cr.P.C. against the applicant.

Heard Mr. Suresh Gupta, learned counsel for the applicant, learned AGA and perused the record.

Mr. Gupta argued that the order impugned in this petition is not justified for the reason that there was ample evidence to suggest that the occurrence had not happened in the manner as alleged by the complainant.

It appears from the whole evidence collected by the I.O. that some of the witnesses supported the prosecution case and some did not. The I.O. himself usurped the jurisdiction of the court and analysed the statements and took the side of those who did not support the prosecution version. This approach of the I.O. was not approved by the trial court and accordingly, the trial court rejected the final report. I do feel that the approach of the trial court was perfectly justified.

The I.O. is only expected to collect the evidence. It is not the business of the I.O. to say as to who is correct and who is wrong. It is the work of the court and should be left to the court. When the I.O. transgressed the jurisdiction of the

court, then the court was perfectly justified in not accepting the final report submitted by the I.O. I, therefore, find no impropriety in the order passed by the court below.