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**(2011) 08 UK CK 0079**

**In the Uttarakhand High Court**

**Case No : Criminal Revision No. 16 of 2003**

Nanda Ballabh Joshi @ Nandu

APPELLANT

Vs

State of Uttaranchal

RESPONDENT

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**Date of Decision : 12-08-2011**

**Acts Referred:**

Criminal Procedure Code, 1973 (CrPC) — Section 313  
Penal Code, 1860 (IPC) — Section 394

**Citation : (2011) 08 UK CK 0079**

**Hon'ble Judges : Servesh Kumar Gupta, J**

**Bench : Single Bench**

**Final Decision : Dismissed**

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## **Judgement**

Servesh Kumar Gupta, J.—This criminal revision has been directed against judgment and order of Additional Session Judge/F.T.C., Almora dated 19.02.2003 wherein the judgment and order passed by Chief Judicial Magistrate, Almora dated 27.08.1999 was affirmed. The Chief Judicial Magistrate tried the revisionist/accused Nanda Ballabh Joshi @ Nandu in Criminal case No. 314 of 1997 and found him guilty for the offence u/s 394 Indian Penal Code. He was sentenced to undergo for three years rigorous imprisonment and Rs. 2000/- fine. In default of payment of fine, he was further directed to undergo six months imprisonment.

2. This revision was non-represented by any counsel yesterday upto 04.00 p.m. and today also none turned up on behalf of revisionist to press this revision, even in the revised call. So this Court has given hearing to learned Brief holder for the State/Respondent and have gone through the grounds in the revision as stated in the memo. On going through the grounds raised by revisionist, it appears that all of them are very hollow without any substance. There is No. specific illegality and irregularity pointed out in the concurrent judgments of the courts below. No. glaring lacuna has also been indicated in the appreciation of evidence by learned Chief Judicial Magistrate and learned Sessions Judge while holding the revisionist guilty for the offence u/s 394 Indian Penal Code. This Court has perused the

judgments of learned trial court as well as lower appellate court and found that after thorough appreciation of the fact witness, the guilt has been assigned to the revisionist. In his statement u/s 313 Code of Criminal Procedure, he has not assigned any reason as to on what score and manner, the witness has adduced evidence against him falsely, as alleged by him. This is simply a bald statement.

3. So, in view of the above, revision is devoid of merit and is liable to be dismissed. The revision is dismissed. He was granted bail at the time of admission of this revision. His bail stands cancelled. Bonds discharged.

4. Let the lower court record be remitted back to the trial court for serving out of the sentence, as awarded by the trial court to the revisionist.