

(1996) 11 AHC CK 0132
In the Allahabad High Court
Case No : Criminal Revision No. 1218 of 1983

Om Prakash Garg

APPELLANT

Vs

Hakim Rai, S.H.O. and Others

RESPONDENT

Date of Decision : 24-11-1996

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 397, 399, 400

Citation : (1997) 21 ACR 83

Hon'ble Judges : R.K. Singh, J

Bench : Single Bench

Judgement

R.K. Singh, J.—Heard learned Counsel for the revisionist and learned A.G.A. for the State.

2. Perused the impugned order passed by the Vth Addl. Sessions Judge in Criminal Revision No. 73/82 setting aside the order of Judicial Magistrate, P.S. Hathras, District Aligarh. Learned Counsel for the revisionist has pressed the point that the order of summoning the accused for trial passed by Munsif Magistrate could not have been disturbed by the revisional court. Further grounds is that the revisional court has gone into merit of the evidence which is also not to be looked into by the revisional court. On these two grounds he assailed the impugned judgment of the Addl. Sessions Judge reversing the order of Munsif Magistrate.

3. The provisions of Sections 397, 399 and 400, Code of Criminal Procedure are relevant in the matter. The Court of Judicial Magistrate is subordinate to the Court of Sessions and the criminal revision lie in the Court of Sessions Judge and the powers of revisional court includes the power of appellate court in appropriate cases. Therefore, there is no error appears in the impugned judgment and order. The revisional court has powers to apply mind to the allegations and the merit of evidence to find out impropriety illegality in the finding.

4. There is no scope to interfere in the impugned order. This Court finds no force in the revision petition. It is accordingly dismissed.