
(2010) 07 AHC CK 0359
In the Allahabad High Court

Ram Bhajan

APPELLANT

Vs

State of U.P.

RESPONDENT

Date of Decision : 29-07-2010

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 156(3), 482

Citation : (2010) 07 AHC CK 0359

Hon'ble Judges : Rajesh Dayal Khare, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Rajesh Dayal Khare, J.—Heard learned Counsel for the applicant and learned A.G.A. for the State.

2. The present application u/s 482 Cr.P.C. has been filed for quashing the order dated 28.05.2010 passed by learned VIIth Additional District Judge, District Fatehpur in Criminal Revision No. 25 of 2010, whereby the applicant has been directed to implead the accused-persons as opposite parties in Criminal Revision No. 25 of 2001.

3. It is contended by learned Counsel for the applicant that the application u/s 156(3) Cr.P.C. filed by the applicant has been rejected by learned Chief Judicial Magistrate, District Fatehpur against which, the applicant filed a Criminal Revision before the learned Revisional Court and the learned Revisional Court passed the order impugned directing the applicant to implead the proposed accused-persons as necessary party. Learned Counsel for the applicant has further contended that as no cause of action against the accused-persons arose, therefore, they were not impleaded as opposite parties in the criminal revision. Learned Counsel for the applicant has relied upon a Judgment of this Court reported in 2010 (1) JIC 891 (All) Mangalsen @ Mangal v. State of U.P. and Anr. in support of his contention.

4. Learned A.G.A. does not dispute the aforesaid contention of learned Counsel

for the applicant.

5. Considering the facts and circumstances of the case as well as averments made in the present petition and after perusing the order impugned, this Court is of the opinion that against the proposed accused no proceedings are pending and even application of the applicant u/s 156(3) Cr.P.C., has been rejected, therefore the accused persons are not necessary to be impleaded as opposite parties in the criminal revision filed by the applicant against the order of learned Magistrate, rejecting the application u/s 156(3) Cr.P.C.

6. Accordingly, the present petition u/s 482 Cr.P.C., is allowed. The order dated 28.05.2010 is hereby quashed.

7. The learned Revisional Court is directed to proceed with the revision as expeditiously as possible and to pass afresh order as per law.