

(1981) 05 AHC CK 0038

In the Allahabad High Court

Case No : Criminal Miscellaneous Case No. 889 of 1979

Ram Charan and another

APPELLANT

Vs

Nyaya Panchayat Adalat and others

RESPONDENT

Date of Decision : 11-05-1981

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482, 6
Uttar Pradesh Panchayat Raj Act, 1947 — Section 83(1), 89

Citation : (1981) 05 AHC CK 0038

Hon'ble Judges : M.M.Husain, J

Final Decision : Dismissed

Judgement

M. M. Husain, J.—The only question of law involved in this petition under Section 482 Cr.P.C. is whether or not this court can exercise its inherent jurisdiction under Section 482 Cr.P.C. for interfering with an order accessed in a criminal case by a Nyaya Panchayat constituted under the U.P. Panchayat Raj Act, 1947 or by the court of revision prescribed by the said Act.

2. A complaint under Sections 379 and 323 I.P.C. was tiled by Ramdeo opposite party No. 3 against the petitioners in the Nyaya Panchavat of Pure Marino Singh in the district of Pratapwrh The Nyaya Panchayat ultimately held the petitioners unity for the of lures, through the order dated April 25, 1976. and sentence each petitioner to a fine of Rs. 50/ under Section 379 I.P.C. and an amount of fine under Section 323 I.P.C. A revision against that order of the Nyaya Panchayat was filed by the petitioners and it was dismissed by the MunsrfMagisirate concerned through his order dated May 1, 1979.

3. The contention of the petitioners is that the aforesaid two orders of the Myaya Panchayat and the court of revision, amount to an abuse of the process of court and, therefore, this court should quash the same in exercise its inherent powers under Section 482, Cr.P.C. The objection raised by the other side is that a Nyaya Panchayat is not court for the purposes of Section 6 of the Criminal Procedure Code or the provisions of Criminal Procedure Code apply the Nyaya Panchayat, so

this court cannot exercise its powers under Section 482, Cr.P.C. with respect to the impugned orders.

4. After hearing the learned counsel for the parties I am of the opinion that the objection raised by the other side is perfectly valid. The U.P. Panchayat Raj Act is a selfcontained and exhaustive legislation laying down the procedure which is to be followed in cases to be handled by the Nyaya Panchayats, Section 83(1) of the U.P. Panchayat Raj Act, 1947 clearly lays down that the Nyaya Panchayat shall follow the procedure presented by or under the Indian Evidence Act and the Limitation Act, 1963, shall not apply, to any criminal case in a Nyaya Panchayat except as provided in the Act or as may be prescribed. The Act nowhere makes Section 482 Cr.P.C. applicable to criminal cases handled by a Nyaya Panchayat. Obviously therefore the Nyaya Panchayat is not a court for the purposes of Section 6 of the Cr.P.C.

5. In *Sasanti v. Kanhaiya Singh*, A.L.R. 1965 All. 263 = 1965(1) Cr.L.J. 670 a Division Bench of this court has laid down that:

"The High Court cannot, in exercise of the inherent jurisdiction under Section 561A of the Code, (which corresponds to Section 482 of the new Code of Criminal Procedure), interfere with the order of the Nyaya Panchayat passed under the U.P. Panchayat Raj Act and also the order of the SubDivisional Magistrate in revision under Section 89 of the Act."

6. While making the above observation, reliance was placed upon two earlier decisions of this court contained in *Banshi v. State*, AIR 1952 All. 38 and *Pyarey Lal v. State*, AIR 1955 N.U.C. 862. Recently brother P.N. Goel, J. has also laid down in *Alguo Bam v. Tejai Ram*, 1978 Cr.L.J. 786 = 1978 All. L.J. 1051 that the High Court in exercise of its powers under Section 482 Cr.P.C. cannot interfere with the orders passed by the Nyaya Panchayat or by the SubDivisional Magistrate in revision under Section 89 of the U.P. Panchayat Raj Act. It is therefore the definite view of this Court that the jurisdiction preserved by the High Court under Section 482 Cr.P.C. cannot be invoked in criminal cases decided by a Nyaya Panchayat constituted under the U.P. Panchayat Raj Act or by the court of revision prescribed by that Act. The relief claimed by the petitioners can, therefore, not be granted to them by this Court.

7. This petition is consequently dismissed.