

(1988) 01 AHC CK 0010
In the Allahabad High Court
Case No : Criminal Revision No. 1929 of 1986

Ram Prakash and Others

APPELLANT

Vs

Banwari Lal and Another

RESPONDENT

Date of Decision : 04-01-1988

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 200, 202, 207, 226
Uttar Pradesh Dacoity Affected Areas Act, 1983 — Section 7

Citation : (1988) 12 ACR 258

Hon'ble Judges : V.P. Mathur, J

Bench : Single Bench

Advocate : A. Rathore, for the Appellant; AGA and V.K. Chaturvedi, for the Respondent

Judgement

V.P. Mathur, J.—This revision was taken up after the revision of the list and the learned Counsel for the Revisionist is not present. Mr. Chaturvedi appears on behalf of the complainant.

2. The only ground taken in support of this revision is that all the witnesses cited by the complainant have not been examined u/s 202 of the Code of Criminal Procedure and hence the order of summoning is inadequate and defective. In the case of Mahendra Kumar Jain v. State of U.P. 1986 AWC 270 and before that in the matter of Jitendera Pratap Singh and Others Vs. State of U.P. and Others, , it has already been held by this Court that during the course of trial for scheduled offences by a Special Judge under the U.P. Dacoity Affected Areas" Act, the provisions of Sections 200 and 202 Code of Criminal Procedure will not be applicable. The proviso to Section 7 of the Dacoity Affected Areas" Act empowers the Special Judge to perform functions only u/s 207 Code of Criminal Procedure at which stage the trial has to begin in accordance with the procedure laid down u/s 226 of the Code of Criminal Procedure. Therefore, if in any case the statement of the complainant has not been recorded u/s 200 Code of Criminal Procedure or of all his witnesses u/s 202 Code of Criminal Procedure and the

matter relates to special trial under the provisions of the Dacoity Affected Areas Act, this will not be deemed to be any defect in the trial. The revision has thus no force and is hereby dismissed. The stay order earlier passed shall stand vacated.