

(2000) 07 AHC CK 0012
In the Allahabad High Court
Case No : Criminal Revision No. 1292 of 1984

Ram Prakash and Others

APPELLANT

Vs

State of U.P.

RESPONDENT

Date of Decision : 06-07-2000

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 319
Penal Code, 1860 (IPC) — Section 307

Citation : (2000) CriLJ 4525

Hon'ble Judges : S.K. Agarwal, J

Bench : Single Bench

Advocate : S.P. Tewari, for the Appellant; A.G.A., for the Respondent

Final Decision : Dismissed

Judgement

S.K. Agarwal, J.—Heard learned counsel for the applicants and learned A.G.A. I have also perused the order of the trial Court summoning the applicants u/s 319, Cr.P.C. This summoning was made by the trial Court u/s 307, IPC. after recording statement of two of the eyewitnesses as well as the Medical Officer. In the opinion of the trial Court the evidence was sufficient enough to warrant the summoning of these applicants to stand their trial. On merit I do not find any illegality in the order of the learned Assistant Sessions Judge, Manipuri.

2. The contention of the learned counsel for the applicants is that initially a charge-sheet was submitted only against principal accused, Girish. These applicants were attributed only the role of exhortation and firing without causing any injury upon the victim of the incident. The final report was accepted by the Judicial Magistrate concerned despite presence of a protest petition the protest petition too was rejected. Therefore, the provision of the Section 319, Cr.P.C. will not be attracted against the applicants.

3. So far as acceptance of a final report and rejection of the protest petition are concerned, it could not stand better than a discharge. A discharged accused can

be summoned by the Court to stand his trial if the evidence recorded in the Court so warrants.

4. In the result, I do not find any merit in the contention raised by the learned counsel for the applicants before me. Accordingly, the revision fails and is rejected.