
(2006) 09 AHC CK 0169

In the Allahabad High Court

Case No : Criminal Miscellaneous Case No. 216 of 2003

Ramrati and Another

APPELLANT

Vs

State of U.P.and Another

RESPONDENT

Date of Decision : 11-09-2006

Acts Referred:

Registration of Births and Deaths Act, 1969 — Section 13(3)

Citation : (2006) 09 AHC CK 0169

Hon'ble Judges : Allah Raham, J

Final Decision : Disposed Of

Judgement

Allah Raham, J.—List revised. None responds for the opposite party No. 2.

2. Heard the learned Counsel for the petitioners and the learned A.G.A.

3. It appears that on the report of the NaibTehsildar the date of death of one, Mata Prasad was entered as 8111984 by the Sub Divisional Magistrate. Opposite Party No. 2 moved a review application before the SubDivisional Magistrate for correction of date of death of Mata Prasad from 8111984 to 18111984. The learned SubDivisional Magistrate rejected the review petition. Aggrieved against the said order, opposite party No. 2 preferred a revision before the Sessions Judge. The learned Sessions Judge allowed the revision and set aside the order dated 1751999, passed by the SubDivisional Magistrate and remanded the matter to SubDivisional Magistrate to decide it afresh, in the light of the provisions contained in Section 13(3) of Registration of Births and Deaths Act, 1969 (Act for short).

4. Aggrieved against the said order, the petitioners have approached this Court under Section 482 of the Code of Criminal Procedure.

5. The contention of the petitioners' Counsel is that there is no provision of review in the Act. The learned Counsel for the petitioners has read out the provisions of the Act and the Rules from which it is clear that there is no provision of review either in the Act or in the Rules. Similarly, a revision is also

not provided under Section 23 of the Act.

6. The learned Sessions Judge has undoubtedly acted and passed an order for which no jurisdiction is vested in him. The impugned order dated 10122002 (Annexure2) is clearly without jurisdiction and the same deserves to be quashed.

7. The petition under Section 482 Cr.P.C. is allowed and the impugned order dated 10122002 is hereby quashed.