
(2000) 10 AHC CK 0048
In the Allahabad High Court
Case No : Criminal Revision No. 737 of 1987

Ratan and Others

APPELLANT

Vs

State of U.P.

RESPONDENT

Date of Decision : 12-10-2000

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 397
Penal Code, 1860 (IPC) — Section 395, 398

Citation : (2000) 10 AHC CK 0048

Hon'ble Judges : U.S.Tripathi, J

Final Decision : Dismissed

Judgement

U.S. Tripathi, J.—List revised. None present from the side of applicants.

2. Heard the learned AGA and perused the record.

3. This revision has been directed against the order dated 711987 passed by 1st Additional Munsif Magistrate, Bulandshahar in Criminal Case No. 619 of 1986 committing the case to the Court of Sessions on the ground that the case was exclusively triable by the Court of Sessions.

4. Having perused the record, I find that the report under Section 395/398, IPC was lodged against the applicants. The police after investigation submitted chargesheet under Section 395, IPC undisputedly offence punishable under Section 395, IPC is exclusively triable by the Court of Sessions, therefore, the learned Magistrate rightly committed the case to the Court of Sessions.

5. The contention of the applicants was that no offence under Section 395, IPC was made out on the allegation of the prosecution. This point may be raised before the Sessions Court at the time of framing of charges, in this way I find no force in the revision.

6. The revision is accordingly rejected. Stay order dated 29487 is vacated.

7. The office is directed to send the copy of this order to CJM Bulandshahar.

Revision rejected.