
(2011) 01 AHC CK 0151
In the Allahabad High Court
Case No : Criminal M. Case No. 5053 of 2010

Shiv Bahadur

APPELLANT

Vs

State of U.P.

RESPONDENT

Date of Decision : 03-01-2011

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482

Citation : (2011) 8 RCR(Criminal) 2256

Hon'ble Judges : Raj Mani Chauhan, J

Final Decision : Dismissed

Judgement

Raj Mani Chauhan, J.—Heard. This petition under section 482 of the Code of Criminal Procedure (hereinafter referred to as the "Code") has been filed by the petitioner with the following prayers: "It is most respectfully prayed that this HonTjle Court may kindly be pleased to exercise its inherent powers and direct the opposite party to make compliance of the judgment and order dated 25.10.2010 passed by Additional Sessions Judge, Court No. 5, Gonda through which acquittal order was passed and also a direction was issued to Director General of Police, Uttar Pradesh, Lucknow to mull over the entire matter and take a proper decision so that the real culprits do not escape punishment or to pass such other order or direction, which this Hon"ble Court may deem fit and proper under the facts and circumstances of the case, in favour of the petitioner."

The submission of learned Counsel for the petitioner is that the father of the accusedpetitioners was murdered and the petitioner was falsely implicated by the police. He was put to trial and the Trial Court i.e. Additional Sessions Judge, Court No. 5, Gonda vide judgment and order dated 25.10.2010 acquitted the accused and observed that the matter was not fairly investigated and the real culprits could not be brought to book. The Trial Court passed a direction that a copy of the order be sent to the Director General of Police, Government of U.P., Lucknow to take action in the matter but the office of the Court concerned did not comply the order of the Court. The matter is unnecessarily lingering on.

Learned Counsel, therefore, requests that the police authorities be directed to proceed in accordance with the judgment passed by the Trial Court.

2. Learned A.G.A. was allowed time to seek instruction in the matter.

Sri Rajendra Kumar Dwivedi, learned Additional Government Advocate files written instruction and informs that as per instruction, the Director General of Police was not communicated with the order of the Court. He after receiving the order of the Court from his level is taking action in the matter. Moreover, the concerned authority has sent papers for permission from the Government to file State Appeal in the matter. Sri Dwivedi further submits that the prayer sought for by the petitioner does not fall within the purview of section 482 of the Code and the petition is liable to be dismissed.

3. Considered the submissions of learned Counsel for the petitioner and learned A.G.A.

As per information of the learned A.G.A., the matter is being dealt with by the Director General of Police at his level in compliance of the court's order, therefore, no further direction is needed in the matter.

The petition is, therefore, dismissed.