

(2008) 12 AHC CK 0132
In the Allahabad High Court

Shyam Charan

APPELLANT

Vs

State of U.P.& Others

RESPONDENT

Date of Decision : 19-12-2008

Acts Referred:

Citation : (2008) 12 AHC CK 0132

Hon'ble Judges : A.K.Roopanwal, J

Final Decision : Disposed Of

Judgement

A.K. Roopanwal, J.

This revision has been filed against the order dated 10.11.08 passed by the Judicial Magistrate II, Jaunpur whereby an application under Section 156(3), Cr.P.C. moved by the revisionist was rejected.

It appears from the facts of the case that one Jitendra was found dead in his house in village Ashwa, P.S. Meerganj, District Jaunpur. The body was sent for postmortem and it was found to be a case of suicide. The revisionist moved an application under Section 156(3), Cr.P.C. stating certain circumstances indicating towards the murder of the deceased and requested for investigation. That application was rejected by the Magistrate.

Heard Mr. Yogesh Agarwal, learned counsel for the revisionist and perused the record.

It has been argued by Mr. Agarwal that once the factum of death had come to the knowledge of the police and there were circumstances indicating towards the factum of murder it was the duty of the Magistrate to have ordered for the registration and investigation of the case.

It is no doubt true that if a cognizable offence appears to have been made out from the contents of the application the Magistrate should take action under Section 156(3), Cr.P.C., but from the facts of the present case it appears that such an offence was not appearing from the record. It appears from the

application under Section 156(3),3479 Cr.P.C. that what was said by the revisionist was all on assumptions. There was no definite assertion about the murder while on the other side the police took the action, got the dead body medically examined where it was reported that it was a case of suicide.

In such view of the matter, it was indicating from the record that it was a case where no cognizable offence appeared to have been made out and thus, the court cannot be said to be unjustified in taking that stand which was taken by it.

There is no merits in this revision. It is dismissed.