

(1990) 11 AHC CK 0076
In the Allahabad High Court
Case No : Criminal Revision No. 1763 of 1981

Shyama Charan and Ors.

APPELLANT

Vs

State of U.P.& Ors.

RESPONDENT

Date of Decision : 22-11-1990

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 107, 111, 116, 397

Citation : (1990) 11 AHC CK 0076

Hon'ble Judges : S.R.Bhargava, J

Final Decision : Allowed

Judgement

S. R. Bhargava, J.

This revision has arisen from proceedings launched under Section 107/117 Cr.P.C. in 1981. Proceedings were instituted by the impugned order which does not show that any order or notice under Section 111 Cr.P.C. was contemplated. At any rate, more than nine years have elapsed since the institution of proceedings. During this long period the apprehension of breach of peace must have disappeared. For proper proceedings under Section 107/117 Cr.P.C. a notice or order under Section 111 Cr.P.C is mandatory. For the foregoing reasons revision is allowed and proceedings in Case No. 139 under Section 107/116 Cr.P.C. P.S. Jalaun, State v. Shyama Charan and others are quashed.

Revision allowed.