
(2013) 05 RAJ CK 0037

In the Rajasthan High Court

Case No : Criminal Revision Petition No. 301 of 2013

Vijender Kumar

APPELLANT

Vs

State of Raj.

RESPONDENT

Date of Decision : 30-05-2013

Acts Referred:

Citation : (2013) 4 RLW 3142

Hon'ble Judges : Atul Kumar Jain, J

Bench : Single Bench

Advocate : R.S. Choudhary, for the Appellant; Panney Singh, Public Prosecutor, for the Respondent

Judgement

Atul Kumar Jain, J.—This matter can be disposed of at the admission stage itself because accused-petitioner Vijender Kumar was acquitted from the charges of Sections 325, 323 and 341 IPC by Judicial Magistrate No. 1, Sriganganagar in Regular Criminal Case No. 57/2000 titled as State of Rajasthan v. Vijender Kumar on 6.4.2011 and when the matter was challenged in appellate court by complainant Satya Pal, then Addl. Sessions Judge No. 2, Sriganganagar by this order dated 17.5.2013 in Criminal Appeal No. 271/2012 had remanded the matter for proper appreciation of evidence. I have heard the learned Advocate for the accused-petitioner Vijender Kumar and I have also heard the learned Public Prosecutor in the matter.

2. Complainant Satya Pal has not been made a party in this revision petition by the accused-petitioner, but apparently order of the appellate court dated 17.5.2013 appears to be not according to law because the appellate court should have decided the appeal on merits by himself, rather than remanding the case to the concerned Magistrate.

3. In the interest of justice, the order of remand dated 17.5.2013 of Addl. Sessions Judge No. 2, Sriganganagar is hereby set aside and the matter is hereby sent to the Sessions Judge, Sriganganagar. The Sessions Judge,

Sriganganagar will restore the Criminal Appeal No. 271/2012 of Addl. Sessions Judge No. 2, Sriganganagar and he will decide the appeal by himself and by not transferring the matter again to Addl. Sessions Judge No. 2, Sriganganagar. The accused-petitioner and the Public Prosecutor are directed to appear before the Sessions Judge, Sriganganagar on 18.7.2013 at 10.00 a.m. Before deciding the appeal against acquittal order dated 6.4.2011 passed by Judicial Magistrate No. 1, Sriganganagar, the court of Sessions Judge, Sriganganagar will also give notice of appeal to the complainant Satya Pal s/o Shanker Lal Bishoni resident of Udsar, Tehsil Raisinghnagar District Sriganganagar. Accordingly, the revision petition is finally disposed of at the admission stage itself as indicated above. The stay petition filed by the petitioner is also disposed of accordingly.