

Court No. - 53

Case :- CRIMINAL REVISION No. - 1675 of 1987

Revisionist :- Ram Chandra

Opposite Party :- State

Counsel for Revisionist :- S.K. Lal,Dinesh Kumar Singh

Counsel for Opposite Party :- A.G.A.

Hon'ble Syed Aftab Husain Rizvi,J.

1. Heard learned counsel for the revisionist and learned A.G.A. for the State.
2. This criminal revision has been filed against the judgment and order dated 2.11.1987 passed by Sessions Judge, Mirzapur in Crl. Appeal No. 43 of 1987, whereby, the appeal has been partly allowed on the point of sentence and fine and sentence has been reduced from one year rigorous imprisonment to three months rigorous imprisonment, under Section 379 IPC and fine has been reduced from Rs. 1,000/- to Rs. 300/-, arising out of Criminal Case No. 490 of 1985, under Section 379 IPC.
3. Learned counsel for the revisionist submitted that the connected Crl. Revision No. 1361/1987 has been decided by this Court vide order dated 16.11.2004 and revision has been allowed and the revisionist-accused have been acquitted due to non-availability of records.
4. The above fact is not disputed by the learned A.G.A. for the State.
5. The revision and case is related to the year 1985. From the orders passed in connected Crl. Revision No. 1361 of 1987 it is apparent that all the records related to appeal and trial court has been destroyed. The co-ordinate bench of this Court relying upon the case law of 1989 Crl. Law 65, Sita Ram Vs. State and 1981 ACR 431 Ram Nath Vs. State has allowed the revision.
6. This revision also liable to be disposed of on the aforesaid terms consequently, the revision is allowed and the judgment and order passed by the trial court in Case No. 490 of 1985 dated 9.4.1987 and Crl. Appeal No. 43 of 1987 dated 2.11.1987 are here hereby set aside.

7. The revisionist-accused is acquitted from all the charges.

8. Personal bonds and sureties stand discharged. He need not surrender.

9. The order be communicated to the trial court.

Order Date :- 1.12.2023

S.A.