

Court No. - 81

Case :- CRIMINAL REVISION No. - 147 of 1992

Revisionist :- Smt Krishna Devi

Opposite Party :- State of U.P. and Others

Counsel for Revisionist :- Brahm Singh

Counsel for Opposite Party :- A.G.A

Hon'ble Mrs. Jyotsna Sharma,J.

1. None responds for the revisionist or for the private respondents.
2. I have heard learned A.G.A. for the State and perused the material on record.
3. Relevant facts are as below:-
 - i. Smt Krishna Devi filed a complaint case no.1287/88, new No.1089/9/1990, Smt. Krishna Devi vs. Rabhuvir and others. Learned A.C.J.M., Moradabad heard the complainant and perused the evidence recorded under Sections 200 and 202 Cr.P.C. Learned trial court found that the facts as alleged in the complaint were proved by statement given by the complainant and her witnesses Shishu Pal Singh and Tejram. The court found prima facie offence under Sections 379, 427, 149 and 147 I.P.C. was made out and therefore summoned the accused persons by order dated 10.12.1990.
 - ii. Hukum Singh preferred Criminal Revision No.407 of 1991.Both sides were heard. The revisional court on the basis of facts put up before it by rival sides, took a view that there was a serious dispute as regard the title of land. There was an allegation that the accused persons forcibly harvested the crops of two bighas of land belonging to the complainant. The complainant in her evidence had admitted that there was no division/partition of the land and there was no demarcation of the shares of either side. On the basis of above facts and certain other facts the revisional court was of the view that real controversy is about demarcation and title of the land and that dispute was essentially of civil nature. Revisional court held that criminal court cannot decide the fact that the land or portion of the land belonged to which party and that therefore, prima facie it cannot be said offence under Section 379 I.P.C. is made out. The revisional court allowed the revision and set aside the order of the trial court.
4. In my view, the revisional court raised pertinent issues and gave inference which cannot be said to be perverse or illegal. The controversy in fact revolved around questions of fact essentially civil in nature. The observations of the revisional court are not off the mark. I do not find any good ground to interfere in the order passed by the revisional court.
5. This criminal revision is, therefore, dismissed.

Order Date :- 2.11.2023

Asha