

Court No. - 81

Case :- CRIMINAL REVISION No. - 750 of 1990

Revisionist :- Ganesh Prasad

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

Counsel for Revisionist :- S.K. Misra

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

Hon'ble Mrs. Jyotsna Sharma,J.

1. Case called out in the revised list. None responds for the revisionist or for the private respondent nos. 2, 3 and 4. Sri L.D. Rajbhar, learned AGA for the State is present.

2. As per report from the C.J.M., Jaunpur, revisionist has died.

3. This revision has been filed challenging the judgement and order dated 27.02.1990 passed by IInd Additional Sessions Judge, Jaunpur in Sessions Trial No. 313 of 1983 (State vs. Virendra Bahadur Singh and others), acquitting the accused persons of the charges under sections 147, 307 read with section 149 IPC.

4. Contention of the revisionist in brief are that the learned Additional Sessions Judge failed to appreciate the evidence given by the prosecution as regard place of occurrence, the role played by the accused persons as aggressor and not as defenders, the injury caused to the complainant and as regard no delay in lodging the FIR. From the papers on record, it appears that as per the prosecution case, the complainant-Ganesh Prasad was irrigating his fields on the date of the incident. He saw the accused persons digging a well. The complainant objected to the digging of well on the road. Annoyed over such an obstruction, the accused, who were carrying 'ballam' and 'lathi', abused the complainant and assaulted him with their weapons causing him injuries. The trial court considered the evidence given by the witnesses and took the view that there was unexplained delay in lodging the FIR and that the FIR was lodged after consultation and deliberation. The trial court further found that there was a cross case in which the accused side had sustained injuries and that the instant case was prosecuted because of previous enmity and to exert pressure on the other side. The trial court did not find the oral evidence and the medical evidence worth reliance.

5. I went through all the papers on record and the impugned judgment. The learned trial court has given cogent reasons for not believing the prosecution case. It has taken a view that the prosecution failed to prove the charges beyond reasonable doubt and acquitted the accused persons. The trial court has appreciated the evidence in right perspective. I do not find any good ground to interfere in the judgment and order of acquittal, in exercise of revisional powers of this court.

6. Hence, this criminal revision is **dismissed**.

Order Date :- 30.10.2023

#Vikram/-