

Court No. - 80

Case :- CRIMINAL REVISION No. - 869 of 1988

Revisionist :- Lallu And 3 Others

Opposite Party :- State of U.P.

Counsel for Revisionist :- Rajendra Singh Senger

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

Hon'ble Subhash Chandra Sharma,J.

List revised. None appeared for the revisionists to press this revision. However, learned A.G.A. for the State is present.

Since this criminal revision cannot be dismissed in default, therefore, it is being decided on merit.

Brief facts of the case are that in Criminal Case No. 932 of 1983-State Vs. Lallu and others, under Sections 324, 323 I.P.C. the revisionists were convicted and sentenced for a period of three months rigorous imprisonment with fine of Rs. 50/-, against which an appeal was preferred before the learned court of Sessions which was decided on 30.04.1988 while converting the sentence into probation for a period of three years. Being aggrieved with the aforesaid order passed by learned court of Sessions this criminal revision was preferred before this Court.

From the perusal of record it appears that the learned Metropolitan Magistrate after considering the evidence on record and argument made by both the parties i.e. the prosecution as well as defence, held guilty to the revisionists and convicted them under Section 323/34 I.P.C. for a period of three months rigorous imprisonment and under Section 324/34 I.P.C. for a period of 3 months rigorous imprisonment and fine of Rs. 50/- by each and all the sentences were to run concurrently. Learned appellate court vide order dated 30.04.1988 converted the sentence and released the revisionists on probation for a period of three years and Rs. 200/- on each were imposed as compensation which was to be deposited and was to be given to the complainants. The aforesaid order, passed by learned appellate court, was challenged before this Court.

Since more than 35 years have elapsed from the date of filing of this criminal revision and 42 years have elapsed after commission of the aforesaid offence, therefore, it requires no need to go into

the merit of the case because the learned Additional Sessions Judge by order dated 30.04.1988 set aside the sentence and released the revisionists on probation for a period of 3 years, and that period have also elapsed after their release on probation. So far as the amount of compensation to the extent of Rs. 200/- by each, total Rs. 600/-, is concerned, this amount was deposited before the learned court by the revisionists for distribution amongst the complainants. There appears no any cause not to distribute the amount to the complainants. As a result, the order in question does not warrant interference by this Court as passed by the learned court of Additional Sessions Judge as aforesaid.

Hence, this criminal revision is dismissed and it is made clear that the revisionists are not to execute any fresh personal bond or surety bonds for this purpose.

Order Date :- 17.11.2023

Sunil Kr. Gupta