

Court No. - 44

Case :- CRIMINAL REVISION No. - 1987 of 2022

Revisionist :- Urmila Devi And 2 Others

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

Counsel for Revisionist :- Syed Mohammad Abbas Abdy,Om Prakash

Counsel for Opposite Party :- G.A.,Brij Raj Singh,Kamal Dev Singh
Chanchal

Hon'ble Pankaj Bhatia,J.

1. Heard the counsel for the revisionist and Sri Kamal Dev Singh Chanchal who appears for the person who have allegedly stepped into the shoes of the opposite party no.2 who is said to have died during the pendency of the revision.

2. The contention of the counsel for the revisionist is that the discharge application was wrongly decided vide order dated 19.04.2022.

3. It is common ground in between the parties that after the filing of the present revision, the opposite party no.2 has expired.

4. The counsel for the revisionist draws my attention to section 256 Cr.P.C. which provides for the manner in which the magistrate is required to proceed after the death has occurred of the complainant, however no application appears to have been filed by the revisionist so far exercising her rights under section 256 Cr.P.C. whereas the counsel for the persons representing the alleged person who have stepped into the shoes of opposite party no.2 have filed an application before the Magistrate concerned.

5. Considering the fact that the respondent no.2 has already died, the present revision is disposed off permitting the revisionist to move an appropriate application for enforcement of the rights claimed by the revisionist under section 256 Cr.P.C.

6. Both the applications filed by the revisionist as well as by the opposite party no.2 shall be considered and decided by the magistrate concerned by passing a speaking order in accordance with law preferably within a period of three months.

7. The revision stands ***disposed off***.

Order Date :- 20.11.2023/VNP/-