

Court No. - 93

Case :- CRIMINAL REVISION No. - 387 of 2009

Revisionist :- Raj Kumar Kesarwani

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

Counsel for Revisionist :- C.B. Mishra, Nitin

Sharma, R.P. Srivastava, Shashi Bhushan Mishra

Counsel for Opposite Party :- Govt. Advocate, Pradeep Kumar

Hon'ble Arun Kumar Singh Deshwal, J.

1. Heard Shri Navneet Kumar Shukla, Advocate holding brief of Shri Nitin Sharma, learned counsel for the revisionist and learned counsel for opposite party Nos. 2 and 3.

2. Short-counter affidavit filed by learned counsel for opposite party nos. 2 and 3 is taken on record.

3. Learned senior counsel for the revisionist submits that he has filed a short-counter affidavit dated 16.10.2023 to bring on record the order dated 06.09.2023 passed under Section 127 Cr.P.C in Case No.02 of 2017.

4. Learned counsel for the revisionist submits that he wants to challenge the order passed under Section 127 Cr.P.C., which was brought on record by the learned counsel for the opposite party nos. 2 and 3. This court is of the opinion that liberty is always open as per the provisions of Cr.P.C to the concerned party.

5. Per contra, learned counsel, for the opposite party no.2 and 3 Shri Pradeep Kumar Senior Advocate assisted by Shri Omkar Vishwakarma, submits that this revision itself was not maintainable because second revision is barred. In view of the above, present revision is **dismissed, as infructuous.**

Order Date :- 16.10.2023

A Gautam