

Court No. - 53

Case :- CRIMINAL REVISION No. - 5103 of 2023

Revisionist :- Satish Chand And Another

Opposite Party :- State Of U.P. And 34 Others

Counsel for Revisionist :- Sikandar Khan

Counsel for Opposite Party :- G.A.

Hon'ble Syed Aftab Husain Rizvi,J.

This criminal revision has been filed against the order dated 11.09.2023 passed by Additional Sessions Judge/Special Judge (POCSO) Act, Bulandshahr in Criminal Misc. Case No.581 of 2023 (Satish Chand & another vs. Jagdish & others) under Section 156(3) Cr.P.C., P.S.- Pahasu, District- Bulandshahr. By the impugned order, the learned Special Judge has rejected the application filed by the revisionists under Section 156(3) Cr.P.C.

Learned counsel for the revisionists contended that the revisionists have moved an application under Section 156(3) Cr.P.C. with the allegations that on 14.08.2023 at about 7 A.M., due to property dispute and previous enmity, the accused persons entered into the house of the applicant/revisionists and committed indecent acts against the female members of the family, abused and extended death threat and also took away two she buffaloes and one he buffalo and also took away their calves with them.

The learned Special Judge has failed to appreciate that on the basis of allegations of the application, any offence is made out. It is further submitted that the revisionists informed the police and lodged the F.I.R. but no action was taken. All the facts mentioned in the application under Section 156(3) Cr.P.C., but the learned Special Judge has failed to appreciate it and has rejected the

application on flimsy grounds. The learned Special Judge has failed to exercise jurisdiction vested in him by law causing injury to the revisionists.

The learned AGA opposed the prayer and supported the impugned order.

From the allegations of the application, it is clear that there are some disputes regarding property. The revisionists have implicated 34 persons with regard to incident dated 14.08.2023, the learned Special Judge in his order has observed that no medico legal report has been filed in support. It has also been observed that proceedings under Sections 107 and 116 Cr.P.C. has been initiated by the police. The learned Special Judge has given the specific finding that no offence under the provisions of the POCSO Act is made out.

It is clear from the perusal of the record that, some property dispute is going on in relation to the house of the complainant. It is also clear that except the allegations made in the application, no supporting material like medico legal report etc. has been filed while 34 persons have been arrayed as accused. It appears that this application has been moved just to pressurize the opposite parties and dispute of a civil nature is being given colour of the offence. The learned Special Judge has rightly appreciated the facts and materials on record and the order passed by him does not suffer from any illegality or perversity.

The criminal revision is devoid of merits and is hereby **dismissed**.

Order Date :- 24.11.2023

SP/-