

Court No. - 12

Case :- CRIMINAL REVISION No. - 1239 of 2017

Revisionist :- Ram Kumar

Opposite Party :- State Of U.P. And 3 Others

Counsel for Revisionist :- Alok Kumar Srivastava

Counsel for Opposite Party :- Govt. Advocate, Arjun Kumar Kaushal, Nisha Tiwari, Yogendra Nath Yadav

Hon'ble Rajeev Singh, J.

1. Case called out, no-one has put in appearance on behalf of the revisionist. Learned counsel for the complainant as well as learned AGA are present.

2. As the revision is pending since 2017, therefore the same is being decided with the assistance of learned AGA.

3. Present revision has been filed with the following prayer:-

"To summon the lower court record and set aside the impugned judgement and order dated 26.09.2017, passed by Special Judge (POCSO Act)/Additional Session Judge, Court No.1, Hardoi, in Crl. Misc. Case No.34/17 under Section 156(3) CrPC and for direction for registration of FIR and fair and proper investigation."

4. An application under Section 156 (3) CrPC was filed by the revisionist but the same was rejected by the learned court below. Learned AGA submitted that learned court below has rightly considered the evidences as well as contents of the application and the report of the concerned police Station, therefore, there is no illegality in the impugned order and the revision is liable to be rejected.

5. Considering the submissions of learned AGA, going through the impugned order as well as enclosures of the revision, as per the case of the applicant on 24.05.2017 at about 09:00 AM, when the victim was washing her hand then the private respondents caller at their house and dragged her into a room and tried to outrage her modesty by skirmish. Thereafter, an application under Section 156 (3) CrPC was moved on 29.05.2017 for lodging of the FIR but the same was rejected. On the basis of the police report, some quarrel had taken place for taking water from a hand pump but no alleged incident had taken place, as stated in the complaint. The quarrel had taken place on 24.05.2017 and during the course of inquiry applicant stated to the police officers that the incident of quarrel took

place after one month, therefore, learned court below has rightly rejected the application. Considering the contents of the police report as well as contents of impugned order, the revision is devoid of merit and is being **dismissed** accordingly.

Order Date :- 26.10.2023

Vipul