

Court No. - 12

Case :- CRIMINAL REVISION No. - 50 of 2019

Revisionist :- Sahab Lal Verma And Anr.

Opposite Party :- State Of U.P. And Anr.

Counsel for Revisionist :- Satish Chandra Sitapuri, Rama Shanker Dubey

Counsel for Opposite Party :- Govt. Advocate

Hon'ble Rajeev Singh, J.

1. Heard learned counsel for the revisionists and learned A.G.A. for the State.

2. The present criminal revision is filed against the judgment and order dated 3.10.2018 passed by Additional District Judge/Special Judge (P.C. Act), Court No.4, Lucknow.

3. Learned counsel for the revisionists has submitted that revisionists have been falsely implicated as no any offence is made out. He further submitted that as per the prosecution case, applicants applied for admission in the course of diploma in pharmacy in K.G.M.U., Lucknow in the year 1998, on the notice board, the list of selected candidates was mentioned and his name was found at Sr. No.40 in the waiting list and thereafter, he made enquiry about the availability of seat as his name was in the waiting list, then he was informed by the officials that there is a vacancy and he may submit fee for getting admission thereafter, he submitted fee and got admission and successfully completed course, thereafter, F.I.R. of the case in question was lodged. He further submitted that revisionist was implicated with the allegation that he obtained admission fraudulently but no any evidence is found against him, as his name was found in the waiting list and as per the availability of seat he was admitted by the authorities and no alleged offence under Sections 420 and 120-B I.P.C. is made out. He also relied on the decision of Hon'ble Supreme Court in the case of **State of Haryana Vs. Bhajan Lal, 1992 SCC (Cr.) 426** and submits that no offence is made out, therefore, kind indulgence of this court is necessary.

4. Learned A.G.A. opposed the prayer of the revisionist and has submitted that as the

association of the applicant was found in getting the admission for course of diploma in pharmacy, as all the defence of the applicant can be considered at the appropriate stage, therefore, revision is liable to be dismissed.

5. Considering the submissions of learned counsel for the parties, going through the record, as it is evident from the record that allegation against the revisionist is that he applied for admission in Diploma in Pharmacy in the year 1998 and the list of the eligible candidates was pasted on the notice board and his name was in the waiting list and at the appropriate time he was informed for submission of fee and after submission of fee, he got admission and completed course of diploma in Pharmacy, as applicant has no concern either in preparing the list of the candidates and allowing him for depositing the fee and getting admission, therefore, this Court is of the view that no offence is made out and impugned proceeding is liable to be quashed.

6. In view of the above, the present application under Section 482 Cr.P.C. is **allowed** and the impugned proceeding is hereby quashed.

Order Date :- 21.11.2023

Gaurav/-