

Court No. - 10

Case :- CRIMINAL MISC REVIEW APPLICATION
DEFECTIVE No. - 5 of 2023

Applicant :- Veerpal

Opposite Party :- State Of U.P. Thru. Addl. Chief
Secy. Home Lko. And 7 Others

Counsel for Applicant :- Atul Kumar
Yadav, Anoop Vajpayee

Counsel for Opposite Party :- G.A., Alok Kumar
Mishra

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Ajai Kumar Srivastava-I, J.

1. Heard learned counsel for the review applicant and learned A.G.A. for the State.

2. Learned A.G.A. has produced before this Court instructions sent by Sub Inspector Sawaijpur, District Hardoi, wherein it has been stated that after recording of statement of the victim under Section 161 and 164 of the Cr.P.C. and going through the evidence, the Investigating Officer found that the victim had voluntarily gone away from her parental home and she want to stay with Smt. Sunita Devi, who has offered to be her guardian. The Investigating Officer has submitted a Final Report on 11.07.2023 to the Supervisory Authority to be forwarded to the Court concerned.

3. Learned counsel for the review applicant says that he is the informant of the F.I.R. and this review application has been filed praying for review of the judgement and order dated 14.07.2023, wherein the writ petition was dismissed as having become infructuous on the basis of similar instructions submitted by Police Station Sawaijpur, Hardoi, that Final Report dated 11.07.2023 has been submitted to the Supervisory Authority for onward submission to the Trial Court. It has been submitted that after the Final Report was filed, the writ petitioners Bablu and others have again taken away his daughter and she has not reported.

4. This Court finds no good ground to review the order dated 14.07.2023 passed in Criminal Misc.

Writ Petition No.5101 of 2023, which was filed by Bablu and others, the accused in F.I.R. No.133 of 2023. Since the Final Report had been prepared by the Police on 11.07.2023, this Court had dismissed the writ petition as having become infructuous.

5. In case the petitioner's daughter has again been abducted by the accused Bablu and others, he has appropriate remedy of lodging F.I.R. against them.

6. No review application for such subsequent development can be entertained by this Court.

7. Despite this Court have not found any error apparent on the face of the record in the order passed by us on 14.07.2023, learned counsel for the petitioner has continued to argue on the difficulties faced by the review applicant Veerpal.

8. This kind of conduct by the counsel for the review applicant is not appreciated.

9. This review application is ***rejected*** with the cost of Rs.1,000/- to be deposited by the review applicant within one month from today in the Registry of this Court. In case of failure to do so, the Senior Registrar shall issue a Recovery Certificate to the Collector concerned, who shall recover the amount from the movable and immovable property of the applicant and deposit it in the Court within three months thereafter.

Order Date :- 16.10.2023

Rahul