

Court No. - 12

Case :- CRIMINAL REVISION DEFECTIVE No. - 428 of 2023

Revisionist :- Ram Chandra

Opposite Party :- State Of U.P. Thru. Addl. Chief Secy. Home Lko. And 2 Others

Counsel for Revisionist :- Ajay Sharma, Virendra Bahadur Singh

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh, J.

C.M.A. No.1/2023

1. Cause shown for delay by learned counsel for the revisionist is sufficient.
2. Delay is hereby condoned.

Order on Revision

1. Heard learned counsel for the revisionist, learned A.G.A. for the State and perused the record.
2. Present application has been moved by the revisionist for quashing the order dated 13.06.2023 passed by Special Judge, SC/ST Act, Raibareli in CrI. Misc. Case No.210 of 2023.
3. Learned counsel for the revisionist submitted that on 25.12.2022, revisionist was assaulted and abused by the private respondent, and thereafter, incident was reported to the concerned police station but cognizance was not taken by the police officials, thereafter, complaint was made to the Superintendent of Police, Raibareli and application under Section 156(3) was also moved before the trial court which was rejected in the most mechanical manner with the observation that there was a civil dispute between the parties and only with the intention to give criminal colour, application under Section 156(3) was filed, therefore, kind indulgence of this Court is necessary.
4. Learned A.G.A. opposed the prayer of revisionist and submitted that it is an admitted case of the revisionist that the alleged incident was taken place on 25.12.2022 but the application under Section 156(3) Cr.P.C. was filed on 13.03.2023 after about three months from the date of alleged

incident and allegations are related to some possession over the property, therefore, there is no illegality in the order passed by trial court.

5. Considering the submissions of learned counsel for the parties, going through the contents of revision, as well as other relevant documents, as it is evident from the record that allegation was made in the complaint that on 25.12.2022, property of the revisionist was encroached by the private respondent, therefore, it is very much clear that there is a civil dispute in between the parties, in such circumstances, there is no illegality in the order passed by the trial court and the revision is liable to be rejected.

6. Accordingly, the application is hereby **dismissed**.

Order Date :- 29.11.2023

V. Sinha