

Court No. - 11

Case :- APPLICATION U/S 482 No. - 11652 of 2023

Applicant :- Harihar Prasad Tiwari @ Harihar Prasad

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home U.P. Lko. And 9 Others

Counsel for Applicant :- Km. Pooja Tiwari, Poonam Narayan

Counsel for Opposite Party :- G.A.

Hon'ble Saurabh Lavania, J.

Vakalatnama filed by Sri Ravindra Pandey, Advocate filed on behalf of opposite party Nos.3 to 8 is taken on record.

Heard.

Present application has been filed for the following main relief:-

"Wherefore, it is most respectfully prayed that this Hon'ble Court may kindly be pleased to allow the petition and quash impugned order dated 20.09.2021 passed by the Court of Sessions Judge, Pratapgarh criminal revision no. 433/2021 (Harihar Prasad Tiwari vs. State of U.P. and Another) as well as order dated 29.05.2014 passed by C.J.M. Pratapgarh in case no. 3004/2011, contained as ANNEXURE NO. 1 & 2 of this petition in the interest of justice."

It appears from the impugned order dated 29.05.2014 that the complaint was entertained by the trial court namely Chief Judicial Magistrate, Pratapgarh on 23.09.2011 and thereafter, on account of the fact that the applicant/complainant failed to record his statement under Section 200 of Cr.P.C. and also failed to produce the witnesses for the purposes of recording the statement under Section 202 Cr.P.C., complaint was dismissed for want of prosecution in exercise of power under Section 203 Cr.P.C.

It further appears from the impugned order dated 20.09.2021 itself that on the similar facts/allegation the applicant preferred another application under Section 156(3) of Cr.P.C. and the same was rejected by the trial court namely Chief Judicial Magistrate, Pratapgarh on 09.09.2021 and being aggrieved by the same, the applicant preferred the revision, which was dismissed by the impugned order dated 20.09.2021.

Thus, from the aforesaid, it is apparent the order dated 25.09.2014 dismissing the complaint is final and from the present application, under consideration, it is also apparent that

the applicant has not assailed the order dated 09.09.2021 dismissing the subsequent application preferred by the applicant under Section 156(3) of Cr.P.C.

Further, to impeach the findings recorded by the trial court as also by the revisional court, the applicant has not brought any document on record.

For the reasons aforesaid, present application, to the view of this Court, is completely mis-conceived and it is accordingly, **dismissed.**

Order Date :- 29.11.2023

Vinay/-