

Court No. - 12

Case :- CRIMINAL REVISION No. - 1407 of 2023

Revisionist :- Rajendra

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

Counsel for Revisionist :- Ram Milan Yadav, Om Prakash Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh, J.

1. Heard learned counsel for the revisionist as well as learned A.G.A. for the State and perused the record.

2. The present revision has been filed for quashing the impugned order dated 27.09.2023 passed by learned Special Judge, S.C./S.T. (P.A.) Act, Hardoi in Special Complaint No. 1498/2020 under Section 156 (3) Cr.P.C. in case of **(Rajendra Vs. Ram Chandra & Others)**.

3. Learned counsel for the revisionist submits that learned trial court has committed error in rejecting the complaint case of revisionist. He further submits that application U/s 156 (3) Cr.P.C. was moved by revisionist on 30.07.2020 before the competent court with the allegation that on 15.07.2020 at about 09:00 P.M., when revisionist's cow entered into the agricultural field of private respondents then he immediately rush to catch his cow, as a result, private respondents started passing abusive words and also given threat to revisionist by saying that in case, his cow entered in the agricultural field again then he would be killed. It is further alleged in the said application that when revisionist requested not to abuse him, they started beating him with kicks, punches, 'lathi' and 'danda'. In this connection, on revisionist's alarm, revisionist's father- Sitaram and his brother- Virendra, Santu s/o Chandrika Raidas and Farid s/o Jamil reached on the spot, and intervened in the matter. As the accused persons were identified in the light of bulb, revisionist reported about the said incident to the police concerned wherefrom he was sent for medico legal examination, thereafter, revisionist came to the District Hospital, Hardoi for medico legal examination and a complaint was made to District- Magistrate as well as Superintendent of Police including other higher officials. It is further submitted that the report was sought from the concerned police station as regards the said application was treated as a complaint case. It is further

submitted that statement of revisionist was recorded U/s 200 Cr.P.C. as well as statements of Hasmat, Santu, Virendra Kumar were recorded U/s 202 Cr.P.C. but all these statements were not considered by learned trial court and the said complaint was rejected. It is, thus, submitted that indulgence of this Court is required.

4. Learned A.G.A. opposes the prayer of revisionist and submits that as per the case of revisionist, seven persons assaulted revisionist as stated above. He further submits that the police station is about 30 kms from the alleged place of incidence and the Community Health Centre is situated nearby the police station. He further submits that in place of going to the Community Health Center for medical aid, revisionist opted District Hospital, Hardoi for his medical examination, in which, only four injuries have been shown including one complaint of pain as per the medico legal report dated 17.07.2020. He also submits that there is an interpolation in the duration of injuries in the said medico legal report, therefore, there is no illegality in the impugned order passed by learned trial court.

5. Considering the submissions of learned counsel for the revisionist, learned A.G.A. and going through the contents of revision as well as other relevant documents; it is evident from the record that the incident was taken place on 15.07.2020 at about 09:00 P.M., as per the contents of complaint, cow of revisionist entered into the agricultural field of private respondents but witnesses have not stated in their deposition that all the seven accused persons assaulted revisionist with 'lathi', 'danda', kicks and punches. The medico legal examination of revisionist was conducted in District Hospital, Hardoi which is far away from the Community Health Centre (which is situated in the Sandila) where the police station is also situated nearby. It is also evident that no evidence related to correspondence with Superintendent of Police as well as District Magistrate concerned are annexed with the postal receipt.

6. With the above observations, this Court is of the view that the present revision is misconceived and accordingly stands **dismissed**.

Order Date :- 21.12.2023

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