

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No. 738 of 2019

- JK Lakshmi Cement Ltd. Through- Sr. Manager, (Industrial Relation Department), Malpuri Khurd, Khasadih, Nandini, Tehsil-Ahiwara, District Durg, Chhattisgarh

---- Applicant

Versus

- Ajay Verma, Publisher – Nai Dunia S/o Lt Kailash Prasad Verma, R/o Tulip 351, Talpuri, Ruabandha, Bhilai, Police Station- Kotwali, Sector-6, Bhilai, Tehsil/District Durg (C.G.)

---- Respondents

For Applicant	:	Shri N. Naha Roy, Advocate
For Respondent	:	Shri Prasoon Agrawal, Advocate

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

06.12.2021

1. The present revision petition under Section 397/401 of Cr.P.C. has been filed by the applicant against the order dated 30.04.2019 passed by VII Additional Sessions Judge, Durg (C.G.) in Sessions Case No. 36/2017 rejecting the application dated 21.01.2019 of the applicant for dismissal of the revision petition filed by the respondent due to non-joinder of necessary parties i.e. Shri Ruchi Garg and one journalist of newspaper Nai Dunia against whom as well as the respondent herein, the applicant had filed a complaint case before the trial Court who vide order dated 30.06.2015 had directed for registration of offence under Section 153(A), 200, 203, 500, 34 of IPC against all the accused persons.
2. Learned counsel for the applicant/complainant submits that the Court below was not justified in rejecting the application of the applicant for impleading the other accused persons as party respondents to the revision petition filed by the respondent herein by keeping aside by mandate of Section 401 (2) of Cr.P.C. The other two accused persons against whom the complainant had filed the complaint case also were required to be arrayed as party respondents because in the event of revision petition of the respondent

herein being allowed, it would adversely affect the case of the present applicant as a whole.

3. On the other hand learned counsel for the respondent has supported the impugned order.
4. Heard learned counsel for the parties and perused the material available on record.
5. From perusal of the order passed by the revisional Court on 30.04.2019, it is mentioned that the trial Court taken cognizance against present respondent and two others namely Ruchi Garg, Editor of Nai Duniya and concerned journalist of Nai Duniya. Other two persons Ruchi Garg, Editor Nai Duniya and concerned journalist of Nai Duniya have not challenged the cognizance taken by the trial Court, only present respondent Ajay Verma who is Publisher of Nai Duniya challenged the same before the revisional Court and complainant (present applicant) was made a party and other two persons were not joined by the present respondent.
6. Considering the facts and circumstances of the case, no prejudice is going to be caused to the applicant by non-impleadment of the other accused persons as a party in the revision petition, the trial is at the verge of conclusion, from the impugned order it is seen that the matter was fixed for final argument on 16.05.2019, if the complainant/applicant has any grievance, he always at liberty to raise the same before the trial Court/appropriate forum, this Court finds no illegality in the order dated 30.04.2019 of the VII Additional Sessions Judge, Durg in Sessions Case No. 36/2017.
7. Consequently, the revision petition being devoid of substance deserves to be and is hereby dismissed.

Sd/-

(Gautam Chourdiya)
Judge