HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 683 of 2021

Brijnath

.....Revisionist(s)

Versus

State Of U.P. And 2 Others

.....Opposite Party(s)

Counsel for Revisionist(s)	:	Ashok Kumar Singh, Gorakh Yadav
Counsel for Opposite Party(s)	:	Dharmendra Kumar Singh, Dinesh Kumar Maurya, G.A.

Court No. - 86

HON'BLE JAI KRISHNA UPADHYAY, J.

1. This criminal revision has been filed by the revisionist - **Brijnath** with the prayer to set-aside the order dated 8.2.2021 passed by Special Judge (SC/ST Act), Azamgarh in Criminal Misc. Case No. 149 of 2020, whereby application filed by revisionist under Section 156(3) of CrPC has been rejected.

2. Heard Shri Shiv Asrey, learned counsel for the revisionist, Shri Dinesh Kumar Maurya, learned counsel for the opposite party nos.2 and 3 and the learned AGA for the State.

3. It has been argued by learned counsel for revisionist that revisionist has submitted an application under Section 156(3) CrPC against opposite party nos. 2 and 3 making several allegations, which constitute prima facie a cognizable offence, but the Court concerned has not considered the entire facts and law in correct perspective and the application of the applicant under Section 156(3) CrPC has been rejected vide impugned order without assigning appropriate reasons. The impugned order is liable to be set-aside and the revision deserves to be allowed.

4. Learned counsel for the opposite party nos.2 and 3 as well as the learned A.G.A. have opposed the revision and argued that learned trial court has assigned appropriate reasons for rejection of application under Section 156(3) CrPC and that no illegality could be pointed out in the impugned order. From a perusal of the said application under Section 156(3) CrPC, no cognizable offence is made out or disclosed against the said opposite parties.

5. I have considered the rival submissions made by the learned counsel for the parties and have gone through the entire record including the impugned

order

6. Law regarding jurisdiction under Section 156(3) CrPC is well settled. From a perusal of the contents of the application under Section 156(3) CrPC, prima-facie no cognizable offence is made out against the opposite party nos.2 and 3. Opposite parties nos. 2 & 3 had gone to the place of occurrence as a public servant and in discharge of his official duties had stopped the unauthorized construction. Hence, keeping in view the legal position and in view of the facts and circumstances of the present case and also considering the nature of allegations made in the application under Section 156(3) CrPC, rejection of application under Section 156(3) CrPC by learned trial court vide impugned order cannot be said against the provisions of law or suffering from any perversity or illegality. Thus, the present lacks merit and accordingly, it is **dismissed**.

October 28, 2026
safi

(Jai Krishna Upadhyay,J.)

Digitally signed by :-
MAHBOOB SAFI
High Court of Judicature at Allahabad