

In the Court of Additional District & Sessions Judge-V, Danapur.

Cr. Revision No. 212 of 2019

14.10.2022

A petition dated 16.06.2022 filed on behalf of the revisionist is pressed today. A copy has already been served to the learned Addl. P.P.

The learned counsel for the revisionist stated that the present revision was preferred against the order dated 10.01.2019, passed by the Court of learned A.C.J.M.-II, Danapur, in Naubatpur P.S. Case No. 52/2015, whereunder the learned court below took cognizance against the revisionist u/ss 341, 342, 323, 302, 201/34 of I.P.C. on the basis of police report filed by the I.O. It is pertinent here to submit that Danapur P.S. Case No. 52/2015 was registered for an occurrence alleged to have occurred on 07.10.2014. The aforesaid occurrence dated 07.10.2014 one Naubatpur P.S. Case No. 511 of 2014 was lodged on 07.10.2014 itself. Naubatpur P.S. Case No. 511 of 2014 and 52 of 2015, were lodged for same occurrence, whereby the two persons were drowned in river, including the husband of the informant of Naubatpur P.S. Case No. 52 of 2019. The post-mortem of deceased were carried in Naubatpur P.S. Case No. 511 of 2014. Taking into consideration the learned court below before passing the impugned order called for status report of Naubatpur P.S. Case No. 511 of 2014. Furthermore, postmortem done on body of the deceased husband of the informant was also taken into consideration. The impugned order cognizance u/s 302 of the I.P.C. was also taken as such the cause of death of deceased as disclosed in post-mortem report is an important consideration. The post-mortem of husband of the informant is not on record, though L.C.R. is there. Before passing the impugned order the record of Naubatpur P.S. Case No. 511 of 2014 was also called for and at the time of passing the impugned order the L.C.R. of Naubatpur P.S. Case No. 511 of 2014 was there on record, as such the record of Naubatpur P.S. Case No. 511 of 2014 is necessary for just disposal of this case. So it is prayed to call for Lower Court Record of Naubatpur P.S. Case No. 511/2015 and post-mortem report of Sanjeet Yadav in light of submission made above.

Learned Addl. P.P. assisted by the learned counsel for the informant submitted that issue raised by the revisionist in this petition is already mentioned in the original petition filed by the revisionist. The petitioners want to delay the case so the frivolous petition has been filed by the petitioners with the motive to delay the hearing. There is sufficient material available on the record to hear on the impugned order dated 10.01.2019 passed by the learned Trial Court.

Heard all the parties and perused the record. From the perusal of the record it appears that revisionist has preferred this revision against the order dated 10.01.2019 passed by A.C.J.M.-II, Danapur in Naubatpur P.S. Case No. 52/2015, G.R. No. 371/2015 whereupon and whereby cognizance for the offence under Sections 341, 342, 323, 302, 201/34 of I.P.C. against the petitioners was taken. The contention of the petitioners herein is that the post-mortem report of husband of the informant is not on record, so before hearing on the impugned order dated 10.01.2019 an L.C.R. of Naubatpur P.S. Case No. 511/2015 and post-mortem report of Sanjeet Yadav must be called for.

It is the settled law that the revisionist court has to see the correctness, legality, propriety of any finding sentence or order recorded or passed as to the regularity of any proceedings of such inferior court. From the perusal of the record I found sufficient material on the record to proceed with the hearing on the impugned order dated 10.01.2019 passed by the learned Trial Court. As from the perusal of the case diary in Para 22 and 23 the description of the post-mortem report conducted by the Doctor is mentioned and it is undisputed fact that deceased died due to drowning.

Hence, I found no substance on the petition filed by the petitioner. With the above observation the petition dated 16.06.2022 is dismissed.

Put up on 17.10.2022 for hearing.

(Dictated)

Sd/-

Additional Sessions Judge-V,
Danapur.
14.10.2022