

IN THE COURT OF SESSIONS JUDGE, HAMIRPUR.
Present: Vishnu Kumar Sharma.....H.J.S. (J.O. Code UP01890)
UPHM010035712022



Criminal Revision No. 51 of 2022

Mohd. Javed (aged about 36 years) S/o Sheikh Mangal, resident of Muhalla Husainganj, police station Maudaha, District Hamirpur.

.....Revisionist

Vs.

1. State of U.P. through DGC (CrI.) Hamirpur,
2. Jumman Khan s/o Altaf Khan,
3. Noor Mohammad alias Vafati s/o Jumman Khan,
Residents of Muhalla Husainganj Nizamipura, kasba & tehsil Maudaha,
district Hamirpur.
4. Raja Dalal s/o Kaddisa, resident of Madarpur, tehsil and police station
Maudaha, district Hamirpur.
5. Firoz Ahmed alias Holdar s/o Jameel Ahmed, resident of Muhalla
Haidarganj, kasba and tehsil Maudaha, district Hamirpur.

..... Opposite Parties

Under section 397/401 Cr.PC
PS Kotwali Maudaha,
District Hamirpur.

JUDGMENT

1. The instant criminal revision has been preferred against the impugned order dated 14.09.2022 passed by learned Judicial Magistrate, Ist Class, Maudaha, Hamirpur in criminal misc. case no. 106 of 2022 Mohd. Javed v. Jumman Khan & others wherein the application under section 156(3) Cr.PC of applicant had been registered as complaint case.

2. The brief facts necessary for the disposal of this revision are that the applicant/revisionist submitted application under section 156(3) Cr.PC before the learned trial court, stating therein that on 07.08.2022 at about 06:00 PM, he was looking his buffalo in his house. Thereafter, the opposite parties entered into his plot and abused him, assaulted and caused hurt by sticks. Further, they

Date 05.01.2024

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threatened him for his life and went away. He approached to police station and higher authorities but no action was taken.

3. Learned trial court after considering all the facts and circumstances, registered the case as complaint case and fixed the case for statement under section 200 Cr.PC of applicant/complainant. Feeling aggrieved by the order of learned trial court, this revision has been preferred.

4. Learned counsel for the revisionist is not present whereas the revisionist is present personally. It was mentioned in the memo of revision that the impugned order passed by the learned lower court is against the law and passed without application of mind. The matter was of serious nature and a case of Gangster Act was registered against the accused no. 5. The revisionist cannot get the justice without lodging of FIR. It was prayed that the order passed by the learned trial court might be set aside.

5. Per Contra, Learned D.G.C. (Crl.) for the state submitted that the impugned order was correct and according to law. There was nothing on record which needs to be investigated. It was prayed that the revision might be dismissed.

6. Learned D.G.C.(Crl.) is present. Learned counsel for the revisionist is not present despite several calls, however the matter is pending for hearing since 09.11.2022.

7. The matter relates to the conversion of application under section 156(3) Cr.PC to the complaint case. It is to be further mandate given in the case of Rambabu Gupta. Since the matter got convert in the complaint case. In view of the Sukhwasi v. State of UP 2007 (59) ACC 739 and Ram Babu Gupta v. State of UP 2001 (43) ACC 50 (ALL) (Full Bench) wherein the learned trial court has a discretion, treat a complaint case application under section 156(3)Cr.PC into a complaint case on the basis of the requirements. In the instant matter, there is no recovery involved and in these circumstances after perusal of the record, there is no error or illegality committed by the learned trial court and the order

passed within its jurisdiction and need not any intervention. Thus, this revision is devoid of any merit and accordingly liable to be dismissed.

ORDER

The **Criminal Revision no. 51 of 2022** namely **Mohd. Javed v. State of UP & Ors.** is hereby dismissed and the impugned order dated 14.09.2022 passed by the learned Trial Court hereby confirmed.

The record of the learned Trial Court be returned along with the copy of this order.

Dated : 05.01.2024

(Vishnu Kumar Sharma)
Sessions Judge,
Hamirpur.
(J.O. Code UP01890)

Judgment dated, signed and pronounced in open court.

Dated : 05.01.2024

(Vishnu Kumar Sharma)
Sessions Judge,
Hamirpur.
(J.O. Code UP01890)