

(2011) 03 AHC CK 0191

Allahabad High Court

Case No: None

Munna Lal and Others

APPELLANT

Vs

State of U.P and Another

RESPONDENT

Date of Decision: March 28, 2011

Hon'ble Judges: Shri Narayan Shukla, J

Final Decision: Disposed Of

Judgement

Shri Narayan Shukla,J.

The petitioners claim the order dated 18th of April, 2007, passed by the Additional Sessions Judge/FTCI, Sultanpur in Criminal Revision No.134 of 2007 being in violation of principles of natural justice as they were not impleaded as parties in the petition, whereas after rejection of the application moved under Section 156(3) of the Code of Criminal Procedure, if the same is challenged, they become necessary parties as has been held by the Hon"ble Supreme Court in the case of Raghu Raj Singh Rousha versus Shivam Sunderam Promoters Private Limited and another, reported in (2009) SCC (Cri) 801.

In light of the aforesaid decision of the Hon"ble Supreme Court, I hereby quash the order impugned dated 22nd of June, 2010, passed by the Judicial Magistrate, Sultanpur in complaint case No.677 of 2007 as well as the order dated 18th of April, 2007, passed by the Additional Sessions Judge/FTC, Sultanpur in Crl.Revisino No.134 of 2007 with liberty to the revisional court to proceed with the revision and pass a fresh order, but after petitioners" impleadment and providing opportunity of hearing to the parties concerned.

In the aforesaid terms the petition is disposed of finally.