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Smt. Sony Shukla Vs State of U.P. and Others

Criminal R. No. 5576 of 2006

Court: Allahabad High Court

Date of Decision: Oct. 17, 2006

Acts Referred:
Criminal Procedure Code, 1973 (CrPC) â€" Section 156(1), 156(3)#Penal Code, 1860 (IPC) â€" Section 325

Citation: (2007) 3 ACR 2461

Hon'ble Judges: Vinod Prasad, J

Bench: Single Bench

Advocate: Prashant Saxena, for the Appellant; R.K. Chaurasia, K. Srivastava and A.G.A., for the Respondent

Final Decision: Allowed

Judgement

@JUDGMENTTAG-ORDER

Vinod Prasad, J.
Heard learned Counsel for the revisionist as well as Sri R. K. Chaurasia, learned Counsel for the Respondent and the

learned A.G.A.

2. An application u/s 156(3), Cr. P.C. was filed, which discloses commission of a cognizable offence u/s 325, I.P.C. The Special Judge (D.A.A.),

Farrukhabad rejected the said application and direct it to be registered as a complaint case. The Special Judge (D.A.A.), Farrukhabad u/s 156(3)

is empowered to check the arbitrary act of police and that Section cannot travel beyond the scope of Section 156(1), Cr. P.C. The application

disclosed the commission of cognizable offence, therefore, by rejecting the prayer of registration of F.I.R. and investigation of offence the Special

Judge, committed an illegality. The Special Judge is required to get the mandate of law observed by the police as has been held by the Apex Court

in case of Bhajan Lal, 1992 SCC 426 and not to get it flouted by the police.

3. In this view of the matter, the present revision is allowed at the admission stage itself. The impugned order dated 22.6.2006 passed by Special

Judge (D.A.A.) Farrukhabad in Miscellaneous Case No. 44/12/06, Smt. Sony v. Rama Nand, is quashed. Special Judge (D.A.A.) is directed to

take up the application of the revisionist u/s 156(3), Cr. P.C. afresh and decide it in accordance with law.