courtkutchehry.com

Company: Sol Infotech Pvt. Ltd.

Website: www.courtkutchehry.com

Printed For:

Date: 18/10/2025

Kukam Dal Vs State of U.P. and Others

Criminal Revision No. 869 fo 1990

Court: Allahabad High Court

Date of Decision: Jan. 25, 1999

Acts Referred:
Criminal Procedure Code, 1973 (CrPC) â€" Section 145, 146, 457

Citation: (1999) 3 ACR 2812

Hon'ble Judges: R.K. Singh, J

Bench: Single Bench

Judgement

R.K. Singh, J.
Heard Mr. Onkar Singh, learned Counsel for the revisionist and Mr. Brijesh Sahai, counsel for the opposite party Nos. 2, 3

and 4 and Sri Sudhir Mehrotra, learned A.G.A. for the opposite party No. 1.

2. The challenge in the revision petition is against the order dated 18th April. 1990 passed by the IIIrd Additional District and Sessions Judge,

Saharanpur in Criminal Revision No. 366 of 1989.

3. The Pargana Magistrate, Deoband, district Saharanpur passed order dated 13.7.1989 in Case No. 78 u/s 145, Code of Criminal Procedure

Hukam Dei v. Mathan Singh that proceedings u/s 145/146. Code of Criminal Procedure, are not maintainable and so the proceedings were

dropped. The latter portion of the order directed the supurdar to deposit the price of 21 quintals of wheat in the Court and directed the disputed

land to be released in favour of Hukam Dei first party. The learned Additional Sessions Judge in the revision petition set aside the latter portion of

the order of Pargana Adhikari in which he has directed the release of the disputed land in favour of Hukam Dei and it directed the price of 21

quintals of wheat to be deposited in Court. Sri Onkar Singh tried to take help from Section 457, Code of Criminal Procedure in which there is

provision for disposal of the seized property by the police.

4. There is no seizure in respect of the disputed property in proceedings u/s 145, Code of Criminal Procedure. The provisions of Section 145,

code of criminal procedure., uses the word attachment and not the seizure therefore, the provisions of Section 457, Cr.P.C are not applicable in

favour of the revisionist in respect of the disputed property attached u/s 145/146, Code of Criminal Procedure Since the order of Pargana

Adhikari disposes the proceedings u/s 145, Code of Criminal Procedure holding the same to be not maintainable there was no propriety for the

latter portion of the order directing the release of the disputed property in favour of one of the parties of the proceedings and for deposit of price of

wheat in the Court because in the discussion portion the Pargana Adhikari noted that the dispute about the land was under consideration before the

Settlement Officer of Consolidation where the appeal is pending. Any order in respect of the crops or the landed property will be passed by the

Settlement Officer of Consolidation where the appeal is pending, therefore, the order of Pargana Adhikari in respect of the attached land or

attached wheat crop was uncalled for and the order holding the proceedings non-maintainable.

5. The revision petition, therefore, does not disclose merits and the same is dismissed.