

In the High Court of Uttaranchal at Nainital.

Criminal Revision No. 250/2001

(Old No. 1347 of 1988)

Rajesh Kumar S/o Jawahar Lal

R/o Kichcha Nainital Road, Shop No.9.....Revisionist.

Vs.

State

.....Respondent.

AND

Criminal Revision No. 249/01

Jawahar Lal S/o Himachal,

R/o Kichcha Nainital Toad, Shop No. 10...Revisionist.

Vs.

State

....Respondent.

**Hon'ble Irshad Hussain, J.**

None appear for the revisionist. Heard Sri G.S.Sandhu learned A.G.A. and perused the record.

2- These revisions were preferred against the judgment and order dated 24.6.1988 passed by the II Additional Sessions Judge, Nainital in criminal appeal nos. 165/1987 and 167/1987 whereby the conviction of the revisionists as recorded by the Munsif Magistrate, Rudrapur under section 299 of the U.P. Municipalities Act was upheld. The two revisionists in separate criminal case nos. 1392/1984 and 1399/1984 were prosecuted and by the said judgment convicted and sentenced to pay a fine of Rs. 500/- each. As stated above on appeals being preferred against the order of conviction and sentence the same were dismissed on merit.

3- Perusal of the judgments of the courts below make it obvious that no perversity in the appreciation of the evidence adduced by the complainant was made in as much as the Tehbazari contractor Mohammad Ali by his cogent evidence proved that these revisionists have not paid the Tehbazari although they were holding their stalls

regularly during the period for which the same was not paid. The learned trial court also considered the bye-laws of the Nagar Palika and found that the contract was given and the contractor was authorized to realize the Tehbazari which had not been paid by the revisionists. Therefore there appear to be no illegality in accepting the evidence of the contractor.

4- For the reasons aforesaid, there is no perversity in the appreciation of the evidence on record, the criminal revisions which have very limited scope clearly appear to be devoid of merit and therefore both the revisions are hereby dismissed. Consign.

**(Irshad Hussain, J.)**

Dated: 30-4-2004

ISB