

**IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL**

Criminal Misc. Application No. 843 of 2005

Sunil S/o Rajendra Singh
R/o 8/6 Old Nehru Colony
Police Station Dalanwala
District Dehradun

... Applicant

Versus

1. District & Sessions Judge, Dehradun
2. Chief Judicial Magistrate, Dehradun
3. Pan Singh Rana
Aabkari Constable
Zone-I, Dehradun

... Respondents

Hon'ble B.C. Kandpal, J.

This petition under Section 482 Cr.P.C. has been filed by the petitioner - Sunil against the orders dated 09.09.2005 and 14.09.2005 passed by Chief Judicial Magistrate as well as District & Sessions Judge, Dehradun respectively.

Brief facts giving rise to this petition are that opposite party No. 3 lodged the First Information Report against the petitioner at Police Station Dalanwala on 10.08.2005.

It is also alleged that the petitioner also made a representation before the S.S.P. on 11.08.2005. The respondent No. 3 also made an application under Section 156(3) Cr.P.C. before the Chief Judicial Magistrate, Dehradun on 12.08.2005.

Learned C.J.M. after having gone through the material placed on the record was pleased to reject the application vide order dated 23.08.2005. The petitioner filed a revision against the aforesaid order which was allowed by the learned I/c Sessions Judge vide order dated 07.09.2005 and learned Sessions Judge directed that the Magistrate should peruse the evidence filed in support of the application under Section 156(3) Cr.P.C. and only thereafter should pass the order.

The Magistrate in compliance of the aforesaid order passed the detailed order after the assessment of the evidence on record and dismissed the application under Section 156(3) Cr.P.C. vide order dated 09.09.2005.

The petitioner again filed the revision against the aforesaid order by the learned C.J.M. which was dismissed by the I/c Sessions Judge, Dehradun vide order dated 14.09.2005.

Against the aforesaid order, the petitioner has preferred this petition.

Heard learned counsel for the petitioner, learned A.G.A. and perused the record.

Learned C.J.M. after having gone through the entire evidence on record was pleased to dismiss the application under Section 156(3). The learned Magistrate has categorically observed that the version given by the complainant/petitioner does not appear to be convincing.

Learned revisional court also could not find any illegality or impropriety in the judgment passed by the learned C.J.M.

Having perused the impugned orders passed by both the courts below, I am also of the view that the court below has not committed any illegality, impropriety or incorrectness. I therefore, do not find any force in the revision.

Accordingly, the petition under Section 482 Cr.P.C. is dismissed.

(B.C. Kandpal, J.)

30.11.2005
ASWAL