

Criminal Revision No.578/2002

30/11/2011

I have heard both sides.

A Criminal complaint was filed alleging that the accused came with her mother and took away the ornaments put in the almirah saying that they were being taken for safe keeping. Later on, despite requests, the same were not returned. Accordingly, the offence under Section 420 IPC was alleged.

The Magistrate dismissed the complaint on the ground that the circumstance did not indicate the offence having been committed, because the parties have a mutual dispute. The Revisional court has remanded the matter on the ground that at that stage it was not open to the Magistrate to enter into a detailed discussion on merits of the case and analysis of evidence and circumstances. What has been seen at that stage of cognizance and process is whether a prima-facie offence is made out on the allegations and supporting evidence, if the allegations are accepted in their totality. The learned revisional court has relied upon the judgment reported in AIR 1976 SC 1947 in support of the aforesaid preposition of law.

After hearing the learned counsel for the parties, I do not find any error in the order of the revisional court. Accordingly, the revision petition is dismissed. The record of the lower court be returned immediately, because due to this revision proceedings have been held up since 2002.

(Sushil Harkauli)
Acting Chief Justice

YS/AK

W.P. No.8105/2008.

03/11/2011

The connected writ petition namely W.P. No.4006/2006 has been allowed by a detailed order passed today. The order dated 16.5.2008 Annexure P/13 as well as order dated 22.2.2008 Annexure /11 are quashed. The writ petition is allowed.

(Sushil Harkauli)
Acting Chief Justice

(Alok Aradhe)
Judge

YS/