

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Criminal Revision No.83 of 2004

Sishupal

..... Revisionist

Versus

State of Uttaranchal

..... Respondents

Dated: February 29, 2012

Hon'ble Servesh Kumar Gupta, J.

This revision has been directed against the judgment and order dated 28.1.2004 passed by learned Judicial Magistrate, Rudraprayag in Criminal Case No.153/2002, titled as State Vs. Shishupal. By the said judgment, the revisionist has been convicted u/s 323/504 IPC and sentenced to pay fine of Rs.500/- and to remain there till rising of the court. In case of default of fine, revisionist was directed to undergo one month's additional simple imprisonment.

Against the said judgment of learned Judicial Magistrate, revisionist preferred an appeal, which too was dismissed by the order of learned Sessions Judge, Rudraprayag vide order dated 1.3.2004.

It is pertinent to mention here that none has turned up on behalf of the revisionist even in the revised call. However, Sri P.S. Bohara, learned Brief Holder for the State is present, so this Court has given hearing to learned brief holder and perused the entire material available on the record.

Having gone through the evidence on record, it appears that PW1 is Dharmanand, who is the informant/victim himself. He was working as a post-master in local post-office situated at Village Barsyuni. In the same post-office, accused Shishupal happened to be a Dak Runner, working exclusively on temporary basis. It appears that due to dereliction in the

performance of his duties, the accused was removed on the report of Sri Dharmanand by the competent officer and this removal of accused Shishupal engrossed enmity in his mind towards Sri Dharmanand. In order to avenge from Sri Dharmanand, the accused committed the said incident.

PW2 is Dr. Surendra Singh Chauhan, who was medical officer, posted in Government Joint Hospital, Srinagar. This doctor examined the injuries of Dharmanand and has proved the same.

Undoubtedly, PW3 Harish Giri, a fact witness, has become hostile but it does not affect the merits of the case because the injuries have been proved by the doctor and there existed sufficient motive to the revisionist for making assault upon Sri Dharmanand.

Taking all the facts and circumstances into consideration, this Court feels that learned Magistrate has passed a very moderate and light sentence in respect of the accused/revisionist.

Besides, the grounds of revision, gone through by the Court, are obviously stereotyped and do not have any substance. Even the same have been drafted in a very routine and casual manner. After considering the entire facts and circumstances of the case, I am of the view that the judgments and orders passed by the courts below are quite justified and do not require any interference by this Court.

For the reasons, as aforesaid, this revision is totally bereft of any merit and liable to be dismissed. It is, accordingly, dismissed. Lower court record be sent back.

(Serves Kumar Gupta, J.)
29.02.2012

