

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Criminal Revision No.48 of 2007

Hirendra Tyagi

.....**Revisionist**

Versus

State of Uttarakhand

.....**Respondents**

Hon'ble Servesh Kumar Gupta, J.

At the outset, it is pertinent to mention here that none is present on behalf of the revisionist even in the second revised call after lunch. So, the Court has given hearing to Mrs. Mamta Bisht, learned AGA for the State and perused the grounds of revision as also the entire material available on record.

It appears that this revision is directed against the judgment and order dated 7.2.2007 passed by the Sessions Judge, Haridwar in criminal appeal no.105 of 2006, Hirendra Tyagi Vs. State. By the said judgment, the appeal preferred by the revisionist/appellant was partly allowed and the conviction of revisionist u/s 411 IPC was sustained but the sentence was modified and reduced to the extent which he had already undergone in jail. However, the fine of Rs.3,000/-, so imposed by the court below, was left intact.

Initially, the accused Mahesh Saini, Raju @ Raj Kumar, Rizwan and Hirendra Tyagi were tried for the offences u/s 379/411 IPC pertaining to crime no.657 of 2004 by the Judicial Magistrate, Haridwar in criminal case no.2239 of 2006. Learned Judicial Magistrate, Haridwar found all the accused persons guilty u/s 411 IPC and sentenced each of them to undergo 2½ years' rigorous imprisonment with fine of

Rs.3,000/- each, and in case of default of fine, three months' additional simple imprisonment was awarded.

This order was challenged in appeal by one of the convicts Harendra Tyagi. The said appeal was adjudicated by the Sessions Judge who modified the order of sentence as above.

This Court has considered the grounds of revision and do finds that both the courts below have concurred the finding of conviction on the basis of evidence available on the record. There is no impropriety or illegality which can be noticed in the impugned judgment. All the grounds of revision are quite vague and have been drafted in a stereotyped manner. Nothing material has been indicated in the said grounds to assail the finding of conviction which would warrant the interference by this revisional court. Thus, the revision is devoid of any merit and liable to be dismissed. Revision is dismissed accordingly.

Let a copy of this judgment along with the lower court record be sent back for compliance.

(Servesb Kumar Gupta, J.)

30.11.2012

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