HIGH COURT OF JUDICATURE FOR RAJASTHAN AT **JODHPUR**

S.B.Criminal Misc(Pet.) No. 3221 / 2016

Smt. Seema Devi W/o Narayan Das, Gurunanak Colony Abu Road

Distt. Sirohi

----Petitioner

Versus

1. State of Rajasthan

2. Aadresh Credit Co-operative Society Ltd. Main Branch, Sirohi

---Respondents

For Petitioner(s)

: Mr. N.A. Rajpurohit

Mr. A.S. Rajpurohit

For Respondent(s): Mr. M.S. Panwar, PP

HON'BLE MR. JUSTICE VIJAY BISHNOI

Judgment / Order

25/01/2017

This criminal misc. petition under Section 482 Cr.P.C. has

been filed by the petitioner being aggrieved with the order dated

04.03.2016 passed by the Sessions Judge, Sirohi (hereinafter to

be referred as 'the revisional court') whereby the criminal revision

petition No.19/2014 filed by the petitioner has been dismissed.

This criminal revision petition is filed by the petitioner against

order dated 10.04.2014 passed by the Chief Judicial Magistrate,

Sirohi (hereinafter to be referred as 'the trial court') whereby the

application filed by the petitioner under Section 311 Cr.P.C. with a

prayer for summoning one Niyamatulla Khan as witness has been

rejected.

This petition was presented before this court on 25.10.2016 and the Office has pointed out two defects, however, the defects have not been removed till date.

After going through the impuged orders passed by the courts below, I do not find any illegality in the said orders because the petitioner has prayed for summoning Niyamatulla Khan as witness for the purpose of confronting him with those documents which are admittedly not belongs to the said person.

The trial court as well as the revisional court have specifically observed that the documents Exhibits D-4 to D-6 i.e, notice issued by the advocate of the complainant and reply to the said notice given by the petitioner are not required to be proved or verified by the person to whom the petitioner wants to summoned as witness.

In such circumstances, no interference is call for in the impugned orders passed by the courts below.

Moreover, though the petitioners have filed this misc. petition under 482 Cr.P.C. but in fact it is a second revision petition which is clearly barred under Sub-Section (3) of Section 397 Cr.P.C.

In view of the above discussions, this criminal misc. petition is dismissed.

Stay petition also stands dismissed.

(VIJAY BISHNOI)J.

Gaurav