

IN THE COURT OF HON'BLE SESSION JUDGE,

1.
2. State of Haryana through P.P.

..... Revisionists.

Versus

1.
2.

..... Respondent

FIR No.-

U/S-IPC

P.S.-

**CRIMINAL REVISION U/S- 397 OF THE CODE OF CRIMINAL
PROCEDURE, 1973 AGAINST ORDER DATED PASSED
BY THE COURT OF SHRI, VIDE
WHICH THE APPLICATION U/S 319 FILED BY THE
COMPLAINANT/PROSECUTION WAS DISMISSED.**

Sir,

The revisionists respectfully submit as under:-

1. That the impugned **order dated** passed by the Ld. Lower court is against the law, fact brought on the file.
2. That the impugned order dated passed by the Ld. Lower court if based on surmises and conjectured and is not sustainable in the eyes of Law.

3. That the accused person have specific and active role in the commission of crime but eh police in collusion with the accused persons have put the accused sought to be summoned in **column no.2 of the report under section 173 cr.p.c.** The learned lower has not considered the main complaint and the testimony of witnesses on oath before the court and straightly dismissed the **application u/s 319** of the revisionist without applying judicial mind and thus the impugned order is liable to be set aside and the accused sought to be summoned ought to have been summoned as additional accused.
4. That he complainant has clearly deposed before the learned lower court that all the accused and persons sought to be summoned as additional accused. Ld. Lower court has not considered the medical record available on the case file as the complainant has suffered simple as well as grievous injuries in the hand of accused and persons sought to be accused but the learned lower court has wrongly dismissed the application of the revisionist.
5. That the order dated passed by the Ld. Lower court is patently against the law. The Ld. Lower court wrongly and unlawfully dismissed the application **under section 319 Cr.P.C.** and as such the impugned order dated is liable to be set aside.
6. That the Ld. Lower court wrongly held that the evidence on record is not sufficient to summon the persons sought to be accused only on the ground that the complainant was not cross examined and suggestions were not put to the IOs that the investigation was trained. The Hon'ble apex court held in the case of **"M/S M.M.T.C. LTD. Versus. M/S**

Medchl Chemicals and Farma Pvt. Ltd."-2002(1)
R.C.R. (CR.) 319 (S.C.)-

That anyone can set the criminal law in motion by filing a complaint of facts constituting an offence before a Magistrate entitled to take cognizance. No court can decline to take cognizance on the sole ground that the complainant was not competent to file the complaint. If any special statute prescribed offences and makes any special provision for taking cognizance of such offence under the statute, then the complainant requesting the Magistrate to take cognizance of the offence must satisfy the eligibility criterion prescribed by the statute.

7. That the impugned order dated handed down by the Ld. Lower court is manifestly and patently illegal and erroneous as the observations made therein rebel against realism and lose their sanctity and credibility and as such untenable in the eyes of law. There are many square pegs in round holes.
8. That the entire approach of the Ld. Lower court is arbitrary, whimsical and myopic which has resulted in serious miscarriage of justice.
9. It is, therefore, prayed that the Revision of the Revisionists may kindly be accepted and the order dated passed by the Ld. Lower court may kindly be set aside and the co-accused 1. and, both residents of Village-, may kindly be summoned as additional accused in the present case, in the interest of justice.

REVISIONIST

1..

Through Counsel:

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IN THE COURT OF DISTT & SESSION JUDGE,

Versus

Revision Petition

Affidavit

I, S/o Sh. R/o
Village-, Tehsil-, Distt.
....., do hereby solemnly affirm and
declare as under:-

1. That no other similar Revision petition either is pending in any other court or has been decide by any court.

Deponent

Verification:-

Verified that the contents of the affidavit are true and correct to my knowledge and belief.

Deponent