**In The Court Of The Sessions Judge, Shimla**

**Revision Petition No......Of 2005....**

**ABC, son of........., aged about........**

**years, occupation.......resident of.......                                                           .....Petitioner**

**v.**

**PQR, son of......., aged about......**

**years, occupation.....resident                                                             ......Respondent**

**of.....    .......     ......**

May It Please Your Honour,

The humble petition of the petitioner abovenamed most respectfully sheweth:

At first in a few paragraphs briefly describe the case and the decision thereof and then write the following para before giving grounds.

The petitioner begs to prefer this petition against the order of the Judicial Magistrate of the First class, Shimla, passed in Cr. Case No.......of 19......dated 25th April, 19.....on the following among other grounds:

 **Grounds**

 1.         The order of the lower Court is against law.

 2.         The lower Court has erred in stating that no criminal offence is disclosed. The lower court has erred in stating that it is a matter for the civil court to decide.

 3.         The lower Court ought to have found that from the complaint and the sworn statement the offence under Sections 403,420 and 384, read with Sec. 109 of the I.P.C. against the accused have been made out for enquiry.

 4.         The lower court ought not have dismissed the complaint under Section 203 of the Cr. P.C. simply because the accused 1 and 2 happen to be the relations of the com­plainant.

 5.         In any event criminal offence under Section 403, I.P.C. at least is clearly made out both from the complaint and sworn statements.

 It is, therefore, prayed that the Hon'ble Court be Pleased to order further inquiry in the above case.

  Dated :

                                                                           Plaintiff / Defendant

                                                                          Through, Advocate

 Verification:

            I, \_\_\_\_\_\_, do hereby verify that the contents from paras 1 to \_\_\_\_\_\_ are correct and true to the best of my knowledge and personal belief and no part of it is false and nothing material has been concealed therein.

           Affirmed at Shimla this \_\_\_\_\_\_.

                                                             Plaintiff / Defendant

 **IN THE COURT OF THE SESSIONS JUDGE AT SHIMLA**

**Revision Appn. No......of 2005 19......**

**A, etc. of......., at present in**

**Jail custody at Shimla                                             ...........Petitioner (Accused)**

**v.**

**State........                                                                   .........Respondent**

In the matter of a Revision from the order of conviction and sentence passed under section 324, I.P.C. on (put date here) by the learned Judicial Magistrate on the first class, Shimla.

 Most respectfully May it Please Your Honour.

 The humble petition of the above-named petitioner Most respectfully Sheweth:

 1.         That the learned Judicial Magistrate in case No.... of 19....convicted the appli­cant and one B under the above section and sentenced them for a period of four months R.I. and to pay a fine of Rs. 100 in default to undergo further R.I. for 15 days.

 Being aggrieved by the aforesaid order the petitioner begs to move the Hon'ble Court in its Revisional Jurisdiction of the following among other grounds:

**Grounds**

 (a)        That the order of the lower Court is against law.

 (b)        That the learned Magistrate erred in believing the P.W. Nos. 1 and 3 who are relations and/are friends of the complainants, and as such were inter­ested witnesses.

 (c)        That the learned Magistrate was wrong in disbelieving the two respectable and independent witnesses examined on behalf of the defence.

 (d)        That the learned Magistrate has erred in not complying with the mandatory provisions of Section 313 of the Cr. P.C. whereby an opportunity to explain away the circumstances appearing against them was refused.

 (e)        That the learned Magistrate has not maintained a full record of the evi­dence and hence certain admissions by the prosecution witnesses given in their cross-examinations are not available.

 2.         The petitioner prays that Your Honour may be graciously pleased to call for the record of the case and issue a rule upon the said Magistrate, and upon the opposite party to show cause why the aforesaid order complained against should not be vacated, and to release the petitioner on bail pending the disposal of this revision application.

 And for this act of kindness your petitioner, as in dutybound, shall ever pray.

  Dated :

                                                                           Plaintiff / Defendant

                                                                       Through, Advocate

 Verification:

            I, \_\_\_\_\_\_, do hereby verify that the contents from paras 1 to \_\_\_\_\_\_ are correct and true to the best of my knowledge and personal belief and no part of it is false and nothing material has been concealed therein.

           Affirmed at Shimla this \_\_\_\_\_\_.

                                                            Plaintiff / Defendant

**IN THE HIMACHAL PARDESH HIGH COURT**

**Criminal Revisional Jurisdiction**

**Criminal Application No.........of 19......**

 In the matter of the order of the Session Judge, Kurukshetra, sentencing the oppo­nent to one month's R.I, and a fine of rs. 200 in case No. 99/P of 19......

 **State of Himachal Pardesh at the instance**

**of the District Superintendent of**

**Police, Shimla.                                                              ........Petitioner**

**v.**

**Ajay Singh, aged 28 years,**

**, Residing at Shimla                                                        ......Opponent**

 The humble petition of Your Lordship's petitioner above-named. Most Respectfully Sheweth:

 1.         The above-named opponent was arrested in Shimla on a charge under sections 307 and 326, i.P.C. for an attempt to murder and causing grievous hurt by dangerous weapon. He was prosecuted and tried in the Court of the Session in case No. 99/P of 19......of that Court and the learned Sessions Judge was pleased to convict the accused and sentence him to one month's rigorous imprisonment and to pay a fine of Rs.200

 2.         While passing the final order of sentence after convicting the opponent, the learned Judge remarked that he was pleased to take a lenient view of the offence taking into consideration the youth of the opponent.

3.         The learned Judge therefore passed a lenient sentence of one month's R.I. and a fine of Rs. 200 on the opponent though the maximum sentence under Sections 307 and 326,1.P.C. is imprisonment for life, or for 10 years. Though the prosecution prayed for deterrent punishment on the ground that the injuries caused were of a very serious nature and that the injuries were caused by a dangerous weapon during a communal riot. The learned Judge turned down the prayer of the prosecution for a deterrent punishment and showed leniency to the opponent by passing the order of sentence as stated above. Hereto annexed and marked annexure ‘A' is th copy of the said order and judgment.

 4.         Being aggrieved by the said order, the petitioner prefers this application for enhancement of sentence passed on the opponent by the learned Judge on the following amongst other grounds:

(a)        That the injuries caused by the opponent (accused) were several and of a very serious nature;

(b)        That the injuries were caused by a dangerous weapon, i.e., a dagger which was possessed and carried by the accused when the possession and carrying of weapons was banned by the order of the District Magistrate, Kurukshetra;

(c)        That the opponent (accused) is a member of a gang of rioters habitually engaged in communal orgy and riots and has made an attempt to murder by causing grievous hurt to the complainant intentionally in the furtherance and prosecution of the common object of a riotous mob.

(d)        That the punishment for the offences is life or ten year's imprisonment and fine.

 5.         In these circumstances Your Lordships' humble petitioner prays that Your Lordships may graciously be pleased:

(1)        to enhance the sentence passed on the opponent by the learned sessions Judge in case No. 99/P of 19.......of his Court; and

 (2)        to pass such other and further orders as Your Lordships may deem just, fit and proper in the circumstances of the case.

And for this act of kindness Your Lordships' Petitioner shall, as in duty bound, ever pray.

 Shimla                                                                                           P

 This.......th day of April, 2005.....                                      Government Pleader.

 I, (full name) Deputy Superintendent of Police, Shimla, do hereby solemnly declare that what is stated above is true to the best of my knowledge, belief and information.

Sd/-

Dy. Superintendent of Police , Shimla