

Court No. - 10

Case :- CRIMINAL REVISION No. - 26 of 2021

Revisionist :- Haji Mahboob Ahmad And Anr.

Opposite Party :- State Of U.P. Thru. Home Secy. Lucknow And Ors.

Counsel for Revisionist :- Khaleeq Ahmad Khan, Najam Zafar, Rafat Farooqui

Counsel for Opposite Party :- G.A., Shiv P. Shukla

Hon'ble Dinesh Kumar Singh, J.

1. Heard Sri Syed Farman Ali Naqvi, learned Senior Counsel assisted by Sri Najam Zafar, learned counsel for the revisionists, Sri Shiv P. Shukla, learned counsel for C.B.I. and Sri Vimal Kumar Srivastava, learned counsel for the State-respondent.

2. Sri Syed Farman Ali Naqvi, learned Senior Counsel submits that by an inadvertent mistake, present revision has been filed by the revisionists, who claim to be the victims and in view of the Amendment made in Section 372 Cr.P.C. w.e.f. 31st December, 2009, the revisionists ought to have preferred an appeal. He further submits that in exercise of the powers under section 401(5) Cr.P.C., this court may treat this revision as appeal of the revisionists.

3. Considering the aforesaid submission of Sri Syed Farman Ali Naqvi, learned Senior and after hearing Sri Sri Shiv P. Shukla, learned counsel for the C.B.I. and Sri Vimal Kumar Srivastava, learned counsel for the respondent-State, this revision is treated as an appeal under section 372 Cr.P.C.

3. Registry is directed to give number to this revision as Appeal under Section 372 Cr.P.C.

4. List this appeal on 01-08-2002 amongst first top ten cases in the list for admission.

5. Learned counsels for the C.B.I. and State shall raise their objections regarding admissibility of the appeal.

Order Date :- 18.7.2022

AKS