

Court No. - 32

Case :- MATTERS UNDER ARTICLE 227 No. - 7543 of 2023

Petitioner :- Birendra Kumar Verma

Respondent :- State of U.P. and Another

Counsel for Petitioner :- Jawad Tariq

Counsel for Respondent :- G.A.

Hon'ble Surendra Singh-I,J.

1. Heard Sri Jawad Tariq, learned counsel for the petitioner and learned AGA for the State.
2. The present petition has been filed against the impugned order dated 03.03.2023 passed by the District and Sessions Judge, Firozabad in Criminal Revision No. 20 of 2023 (Smt. Meeta Verma Vs. State of U.P. and another)
3. By the impugned order, the revisional court has set aside the summoning order dated 04.05.2022 passed by the Magistrate/Trial Court and has remanded the case to the Magistrate for passing a fresh order in the light of the observation made in the judgment of the revisional court.
4. It has been submitted by learned counsel for the petitioner that the revisional court has passed order without considering the evidence on record. It has also been submitted that the revisional court has erred in observing that the respondent no. 2, Meeta Verma may have carried her stridhan from the house of the petitioner to which she is entitled, therefore prima facie no offence has been committed and the trial court may not able to pass an order based on evidence on record.
5. Learned AGA has opposed the petition and stated that the revisional court has passed the order on the basis of evidence on record.
6. I have gone through the order passed by the revisional court, the averments made in the complaint petition, the statement of complainant under Section 200 CrPC and other evidence on record.
7. From perusal of the order of the revisional court it appears that

the case has been remanded to the Magistrate/Trial Court for passing a fresh order in the light of the observation made by the revisional court.

8. The petitioner has opportunity to raise argument before the concerned trial court and the trial court shall pass an appropriate order in accordance with law regarding summoning of the accused on the basis of evidence available on record without being influenced by any of the observations made by the revisional court regarding presumption that Smt. Meeta Verma, respondent no.2, may have carried her stridhan from the house of the petitioner. The trial court shall follow other observation made in the order by the revisional court except as mentioned hereinbefore.

9. The petition is disposed of.

Order Date :- 1.12.2023

Pratima