

Court No. - 80

Case :- CRIMINAL REVISION No. - 3428 of 2022

Revisionist :- Smt. Manju @ Mani

Opposite Party :- State of U.P. and Another

Counsel for Revisionist :- Deepak Kumar Yadav

Counsel for Opposite Party :- G.A., Nigamendra Shukla

Hon'ble Subhash Chandra Sharma, J.

List revised. None appeared for the opposite party no. 2.

Heard learned counsel for the revisionist as well as learned A.G.A. for the State and perused the material on record.

It is submitted that in this case revisionist was wedded wife of elder brother of opposite party no. 2. It is further submitted that opposite party no. 2 committed rape with the revisionist regarding which an F.I.R. was lodged under Section 498-A, 323, 376 I.P.C. and 3/4 Dowry Prohibition Act against the opposite party no. 2, his elder brother (husband of the revisionist), mother-in-law and father-in-law. Statement of the victim/revisionist was also recorded before the learned Magistrate under Section 164 Cr.P.C. in which she supported the version of rape against the opposite party no. 2 though no any medical examination was done. The learned J.J. Board considering all these facts rejected the bail application filed by opposite party no. 2, but learned appellate court granted the bail by allowing the appeal by order dated 22.07.2022 illegally and without going through the material on record, therefore, a request has been made to set aside the order passed by learned appellate court while releasing the opposite party no. 2 on bail and allow this revision.

Learned A.G.A. opposed the prayer as aforesaid and contended that learned appellate court passed the order on the basis of material on record in conformity with the provisions of law. There is no illegality or impropriety in the order, therefore, it cannot be liable to be set aside.

Considering the facts and circumstances of the case, submission made by learned counsel for the revisionist as well as learned A.G.A., perusal of record, order passed by learned J.J. Board and learned appellate court, it appears that the revisionist is wedded

wife of elder brother of opposite party no. 2. On account of dispute between husband and wife this F.I.R. was lodged against the opposite party no. 2, his elder brother, father and mother. No any medical examination was got done regarding commission of rape with victim by the opposite party no. 2. The opposite party no. 2 was aged about 16 years at the time of alleged incident and report of District Probation Officer was also submitted without any adverse opinion against the opposite party no. 2. All these facts and circumstances were taken into consideration by the learned appellate court and then the order in question was passed, therefore, there appears no any illegality or infirmity in the order but this revision being devoid of merit is liable to be dismissed and is, accordingly, **dismissed**.

Order Date :- 22.11.2023

Sunil Kr. Gupta