

Court No. - 32

Case :- MATTERS UNDER ARTICLE 227 No. - 8615 of 2023

Petitioner :- Pramod Kumar And 5 Others

Respondent :- State of U.P. and Another

Counsel for Petitioner :- Phoolbadan Yadav

Counsel for Respondent :- G.A.

Hon'ble Surendra Singh-I,J.

1. Heard Sri Phoolbadan Yadav, learned counsel for the petitioners and learned A.G.A. for the State.

2. This petition has been filed by the petitioners praying for following reliefs :-

(i) to set-aside the order dated 29.04.2023 passed by Additional District & Sessions Judge, Court No.11, Agra and order dated 01.07.2022 passed by Judicial Magistrate/Additional Civil Judge (Junior Division), Court No. 2, Agra.

(ii) to issue any other suitable order or direction as this Hon'ble Court may deem fit and proper under the circumstances of the case.

3. It has been submitted by learned counsel for the petitioners that the trial court has summoned the petitioners/accused u/s 498-A, 323, 506 I.P.C. and 3/4 Dowry Prohibition Act. It has also been submitted that the marriage between the petitioner no. 1, Pramod Kumar and respondent no. 2, Smt. Sapna was solemnized on 14.11.2019 under the auspices of Sarva Samaj Seva Welfare Society, Agra. It has been also submitted that only Rs.1,100/- as expenses of marriage ceremony was deposited with the society. No dowry demand was made by the petitioners nor they have received any dowry in the marriage.

4. The objection raised against the summoning order are factual in nature and cannot be taken into consideration while deciding the writ petition. The objection can only be decided by the trial court after recording of evidence.

5. There is no ground to exercise jurisdiction in this extraordinary remedy under Article 227 of the Constitution of India.

6. Considering the facts and circumstances of the case, this petition is disposed of with a direction that if the petitioners move bail application before the court concerned within 15 days along with certified copy of this order, it shall be decided expeditiously in accordance with settled principle of law propounded by Hon'ble Apex Court in **Satender Kumar Antil Versus Central Bureau of Investigation and another, (2021) 10 SCC 773.**

Order Date :- 1.12.2023

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