

Court No. - 79

Case :- CRIMINAL REVISION No. - 4554 of 2023

Revisionist :- Deepika Pandey

Opposite Party :- State Of U.P. And 6 Others

Counsel for Revisionist :- Vivek Shukla, Seema Pandey

Counsel for Opposite Party :- G.A., Veerendra Singh

Hon'ble Vipin Chandra Dixit, J.

Heard Sri Vivek Shukla, learned counsel for the revisionist, learned A.G.A. for the State, Sri Veerendra Singh, learned counsel appearing on behalf of opposite party nos. 2 to 7 and perused the record.

This criminal revision has been filed by the revisionist against the order dated 25.05.2023, passed by Additional Sessions Judge, Court No. 2, Basti, in Sessions Trial No. 42 of 2021 (State vs. Rishi Pandey), arising out of Case Crime No. 222 of 2020, under Sections 376, 313, 506 I.P.C., Police Station Valterganj, District Basti by which the application filed by the revisionist under Section 319 Cr.P.C. was rejected.

It is submitted by learned counsel for the revisionist that the learned trial court has erred in rejecting the application under Section 319 Cr.P.C. filed by the revisionist. There are sufficient evidence against opposite party nos. 2 to 7 that they are also involved in committing the crime, but the learned trial court without appreciating the evidence and materials which are available on record, has rejected the application filed under Section 319 Cr.P.C.

On the other hand, learned counsel appearing on behalf of opposite party nos. 2 to 7 has submitted that opposite party nos. 2 to 7 are not named in the first information report. During investigation, the Investigating Officer has not found any evidence or material against opposite party nos. 2 to 7 for their participation in the alleged crime. The Investigating Officer after conducting fair investigation has submitted charge sheet only against Rishi Pandey. The opposite party nos. 2 to 7 are near relatives of Rishi Pandey, who was charge sheeted by the Investigating Officer. The application filed by the revisionist under Section 319 Cr.P.C. is only to harass the opposite party nos. 2 to 7 as well as to create pressure upon them.

Considered the rival submissions of learned counsel for the parties

and perused the record.

Admittedly, the opposite party nos. 2 to 7 are not named in the first information report. The first information report was registered with specific allegations against Rishi Pandey that he had developed physical relationship with the victim on false assurance of marriage. The Investigating Officer after due investigation has submitted charge sheet against Rishi Pandey who was summoned by the trial court to face trial under Sections 376, 506 I.P.C.

A perusal of first information report as well as evidence collected by the Investigating Officer during investigation, there is no evidence regarding participation and involvement of opposite party nos. 2 to 7 in this case. The trial Court after considering the entire evidence and material which are available on record has recorded the finding that the involvement of opposite party nos. 2 to 7 are not established. The finding recorded by the trial court is based on material and evidence which are available on record. There is no illegality or impropriety. No grounds for interference is made out. The criminal revision is devoid of merit and is liable to be dismissed.

The criminal revision is dismissed, accordingly.

Interim order, if any, stands discharged.

Order Date :- 13.12.2023

sailesh