

Court No. - 91

Case :- APPLICATION U/S 482 No. - 37239 of 2023

Applicant :- Manju Sharma

Opposite Party :- State Of U.P. And 8 Others

Counsel for Applicant :- Anil Kumar

Counsel for Opposite Party :- G.A.,Mool Chandra Maurya

Hon'ble Gajendra Kumar,J.

1. Heard learned counsel for the applicant, learned A.G.A. for the State- opposite party and perused the record.

2. This application under Section 482 Cr.P.C. has been filed by the applicant with the prayer to modify the impugned cognizance/ summoning order dated 22.06.2023 passed by A.C.J.M., Court No.18, Etah in Criminal Case No.12793 of 2023 (State of U.P. Vs. Ashok Kumar Sharma and others), Case Crime No.0449/2021, U/S 323, 506 IPC and 3/4 Dowry Prohibition Act, Police Station Jaithara, District Etah by adding remaining sections 376, 342, 354 IPC in the impugned cognizance/ summoning order.

3. It is submitted by learned counsel for the applicant that an FIR was lodged by the applicant against the opposite party nos.2 to 9 with the specific allegation of rape committed by the opposite party no.5. It is further submitted that in her statement recorded under sections 161 and 164 Cr.P.C. she had made a specific statement to the effect that the rape was committed by the opposite party no.5. Despite all these material/ evidence in the case the Investigating Officer has submitted charge-sheet in a perfunctory manner in sections of lesser gravity and deleted the offence under sections 376, 342, 354 IPC and the learned Magistrate has taken cognizance and summoned the opposite party nos.2 to 9 in a

mechanical way.

4. Learned counsel for the opposite party nos.2 to 9 as well as learned A.G.A. contended that the applicant still has an opportunity / occasion to raise all these pleas/ objections at the stage of framing of charge which can be considered by the trial court.

5. In view of above, this application stands **disposed of** with the direction to the applicant to move an application before the trial court taking all the pleas/ objections at the stage of framing charge and the trial court may decide the application considering all the pleas/ objections raised by applicant at the stage of framing of charge, in accordance with law.

Order Date :- 30.11.2023

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