

Court No. - 66

Case :- MATTERS UNDER ARTICLE 227 No. - 10668 of 2023

Petitioner :- Rajpati Giri

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Sheo Ram Singh, Raj Kumar Yadav

Counsel for Respondent :- G.A.

Hon'ble Vinod Diwakar, J.

1. Heard Shri Raj Kumar Yadav, learned counsel for the petitioner, Shri Vaibhav Anand Singh, learned A.G.A. for the State-respondent and perused the record.

2. The present petition under Article 227 of the Constitution of India has been filed with a prayer to set aside the impugned order dated 12.01.2023 passed by Chief Judicial Magistrate, Jaunpur as well as judgment dated 04.09.2023 passed by Revisional Court, Jaunpur with a further prayer to direct the Station House Officer, Police Station Line Bazar, Jaunpur to registered the F.I.R. on the application under Section 156(3) Cr.P.C. dated 13.05.2022.

3. Despite repeated opportunity, learned counsel for the petitioner could not establish his case and requests for issuance of notice to private respondents. Learned counsel called upon to demonstrate the illegality and impropriety in the order passed by the First Revisional Court, but he could not demonstrate the same.

4. Nonetheless, the prosecution's case is that the petitioner's son was a practicing Advocate in the District Court, he had some land dispute with the private respondents, who were also allegedly practicing Advocates in the same Court. The petitioner's son was called in the District Court and ostensibly made to drink a poisonous substance, and that is how committed the murder of the petitioner's son.

5. Contrary to the said facts, the postmortem report suggests that the deceased died due to **shock and hemorrhage as a result of anti-mortem myocardial infarction**. The allegation made in the application under Section 156(3) Cr.P.C. seems to be highly motivated and levelled by father of the Advocate against another Advocate, who is also practicing in the same Court with an intent to settle the civil litigation pending trial between both the parties in

the guise of death since long. No good ground is shown by the counsel for the petitioner to suspect the postmortem report.

6. In view of the above, the petition is devoid of merits and hence dismissed.

Order Date :- 1.12.2023

Shafique

(Vinod Diwakar, J.)