

Court No. - 83

Case :- CRIMINAL APPEAL No. - 10312 of 2023

Appellant :- Banwari Singh

Respondent :- State Of U.P. And 5 Others

Counsel for Appellant :- Ram Janam Shahi

Counsel for Respondent :- G.A.

Hon'ble Sanjay Kumar Pachori,J.

Shri Ram Janam Shahi, learned counsel for the appellant and Shri Aswini Kumar Rai, learned brief holder for the State are present.

The present criminal appeal has been preferred under Section 341, Cr.P.C. to set-aside the order dated 11.8.2023 passed by Additional Sessions Judge, Court No. 4, Shahjahanpur in Criminal Revision No. 156 of 2022 (Raghunandan and others Vs. State of U.P. and another) by which the application under Section 340, Cr.P.C. has been rejected.

Learned counsel for the appellant submits that respondent Nos. 2 to 6 committed forgery with the revisional court. Firstly, they have filed Criminal Misc. Application No. 28440 of 2022, under Section 482, Cr.P.C. on 3.9.2022 challenging the summoning order dated 17.6.2022 passed by Judicial Magistrate, Court No. 35, Shahjahanpur in complaint case No. 82 of 2022, under Sections 420, 352, 506, IPC. It is further submitted that respondent Nos. 2 to 6 also challenged the order dated 17.6.2022 in Criminal Revision No. 156 of 2022, which was filed on 6.9.2022 before the Sessions Judge, Shahjahanpur without disclosing the fact that respondent Nos. 2 to 6 have already challenged the order dated 17.6.2022 before this Court under Section 482, Cr.P.C., which is in purview of Section 195(1)(b), Cr.P.C.

Learned counsel for the appellant fairly admits that there is no averment with regard to concealment of filing of application under Section 482, Cr.P.C.

In view of the above facts and circumstances, the present criminal appeal is dismissed at the stage of admission.

Order Date :- 13.10.2023

T. Sinha