

**Court No. - 53**

**Case :-** CRIMINAL REVISION DEFECTIVE No. - 1461 of 2023

**Revisionist :-** Murari Lal

**Opposite Party :-** State Of U.P And 17 Others

**Counsel for Revisionist :-** Ajendra Kumar

**Counsel for Opposite Party :-** G.A.

**Hon'ble Syed Aftab Husain Rizvi,J.**

**Order on Delay Condonation Application**

Heard learned counsel for the revisionist and learned A.G.A. for the State.

According to office report, there is delay of 30 days in filing the present revision.

The delay has been properly explained and is not seriously opposed by learned A.G.A., hence the delay condonation application is allowed and the delay is condoned.

**Order on Revision Memo**

Heard learned counsel for the revisionist and learned A.G.A. for the State.

This criminal revision has been filed against the order dated 20.6.2023 passed by C.J.M., Etah in W.S.C.C. No. 7130 of 2020, Murari Lal vs. Kalpana and others.

The revisionist moved an application under Section 156(3) Cr.P.C. against Smt. Kalpana, Munnesh Kumar and 17 others making various allegations. This application was treated as a complaint. After taking the evidence under Section 200 Cr.P.C. and 202 Cr.P.C., learned Magistrate by the impugned order has summoned only two of the accused namely Smt. Kalpana and Munnesh Kumar for offence under Section 323 and 506(2) IPC. Being aggrieved by non summoning of the remaining 17 accused persons, this criminal revision has been filed by the complainant.

Learned counsel for the revisionist contended that there are allegations against all the accused persons named in the

application/complaint and complainant with his evidence has corroborated the allegations of the complaint but the learned Magistrate without assigning any reason, in an arbitrary manner, has passed summoning order only against two of the accused and exonerated remaining accused persons.

These allegations of the application/complaint discloses that there is some property dispute between the parties. General allegations have been alleged against 19 accused persons with regard to incident dated 28.2.2020. Learned Magistrate in the impugned order has observed that the complainant in his statement under Section 200 Cr.P.C. has stated that the complainant asked Munnesh Kumar and his wife not to do the R.C.C. work, then they said that if any hindrance is caused, complainant and his entire family will be done to death. On the aforesaid observations, learned Magistrate held that *prima facie* case under Section 323 and 506(2) IPC is made out only against Smt. Kalpana and Munnesh Kumar.

It appears that no medical examination report is on record. So the observations made by learned Magistrate in impugned order, cannot be said to be perverse or illegal, hence revision is devoid of merit and is liable to be dismissed. Revision is hereby dismissed.

However, it is made clear that if during trial, any material comes on record, the complainant may be at liberty to take legal recourse of Section 319 Cr.P.C.

**Order Date :- 16.11.2023**

A.P. Pandey