

Court No. - 53

Case :- MATTERS UNDER ARTICLE 227 No. - 11063 of 2023

Petitioner :- Smt. Krishna @ Tripti Sharma

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

Counsel for Petitioner :- Vikas Tiwari

Counsel for Respondent :- G.A.

Hon'ble Syed Aftab Husain Rizvi,J.

Heard learned counsel for the petitioner and learned AGA for the State.

This petition under Article 227 has been filed for a direction to the court concerned to decide the application dated 07.07.2023 filed by the petitioner in case crime no.20 of 2023 (State vs. Trivendra Sharma and ors) under section 498 A, 323, 504, 506, 324 IPC and section 3/4 D.P. Act, P.S. Raya, District Mathura pending in the court of FTC/ JD (the offence against women), Mathura.

The petitioner is the informant of crime no.20 of 2023 registered on 12.01.2023 under section 498A, 323, 504, 506 & 313 IPC and 3/4 D.P. Act. After investigation, charge-sheet was submitted only for the offence under section 498A, 323, 504 & 506 IPC and 3/4 D.P. Act. The learned Magistrate took the cognizance on it. The petitioner moved an application U/s 190 (1) (B) Cr.P.C. for taking cognizance for the offence U/s 313 IPC also. The said application is lying undisposed.

Learned counsel for the petitioner submitted that the learned Magistrate without passing any order on the application of the informant has passed the cognizance order. There is sufficient evidence on record which also constitute U/s 313 IPC but the learned Magistrate has not taken cognizance for that offence.

The cognizance order has already been passed and criminal proceeding is going on. The prosecution/ informant will have an opportunity to raise the plea before trial court that any other offence is made out from the material on record at the stage of framing of charge and this application can be taken into consideration at that stage.

With the aforesaid observation, this petition stands disposed of.

Order Date :- 24.11.2023 /C. MANI