

Court No. - 53

Case :- CRIMINAL REVISION No. - 6151 of 2023

Revisionist :- Smt. Nunanisha @ Noornisha

Opposite Party :- State of U.P. and Another

Counsel for Revisionist :- Madhava Nand Shukla

Counsel for Opposite Party :- G.A., Matiur Rehman Khan

Hon'ble Syed Aftab Husain Rizvi, J.

1. Heard Sri Madhava Nand Shukla, learned counsel for revisionist, learned AGA for the State and Sri Matiur Rehman Khan, learned counsel for opposite party No.2 and perused the record.

2. This Crl. Revisin has been filed against the order dated 20.9.2023 passed by Additional Sessions Judge/(F.T.C.) Court No.2 (for trying cases crime against women), Muzaffarnagar in S.T. No.1326/2022 arising out of Case Crime No.40/2022, under Sections 498A, 304B, 201 I.P.C. and Section 3/4 Dowry Prohibition Act, P.S. Ratanpuri, District Muzaffarnagar.

3. An FIR was lodged on 07.03.2022, under Sections 498A, 304B I.P.C. and Section 3/4 Dowry Prohibition Act against the revisionist and four others. After investigation charge sheet was submitted. The revisionist moved an application for discharge which has been rejected by the impugned order.

4. Learned counsel for revisionist mainly contended that the revisionist is mother-in-law of the deceased and her living is separate. It is further contended that Misc. Case No.13 of 2015 was filed by her under Section 7 G Guardians and Wards Act which also establishes that the revisionist is living separately. Learned trial court has failed to consider it and has committed error in rejecting the discharge application.

5. Learned AGA and learned counsel for informant submitted that the defence of revisionist accused cannot be considered at this stage. There is no illegality in the impugned order.

6. Perusal of FIR reveals that there are allegation which discloses cognizable offence and on the basis of the evidence collected during course of investigation charge sheet has been submitted. It is well settled law that at the stage of framing of charge only prima facie case is to be seen. Any defence version cannot be taken into consideration at this stage. So the ground

on which discharge is sought cannot be considered at this stage. However, it will be open for the revisionist to take his defence plea at an appropriate stage. So there is no illegality in the impugned order.

7. Revision is devoid on merits and is hereby **dismissed**.

Order Date :- 14.12.2023

Md Faisal