

Court No. - 29

Case :- CRIMINAL REVISION No. - 315 of 2021

Revisionist :- Smt. Pinki @ Priti

Opposite Party :- State Of U.P. And Anr.

Counsel for Revisionist :- Deo Raj Singh

Counsel for Opposite Party :- G.A., Amit Kumar
Pathak, Dharm Trivedi

Hon'ble Mrs. Sadhna Rani (Thakur), J.

Heard the learned counsel for the revisionist, learned A.G.A. for the State and perused the record.

No one has put in appearance for the opp. party no. 2 while the name of the learned counsel for the opp. party no. 2 appears in the cause list.

This revision has been preferred against the order dated 17.2.2021 passed by Additional District and Sessions Judge/ F.T.C. (new) Kheri in S.T. No. 383 of 2019, case crime no. 357 of 2019, under sections 498-A, 304-B I.P.C. and 3/4 D.P. Act, police station Kotwali Gola District Lakhimpur Kheri, whereby the discharge application of the revisionist moved under section 227 Cr.P.C. dated 23.12.2020 was rejected.

It is argued by the learned counsel for the revisionist that in the FIR dated 26.6.2019, a general role is assigned to all the named accused persons. In the post mortem report the cause of death of the deceased is shown asphyxia as a result of ante- mortem hanging. The statement of the land lord of the house where the deceased was living on rent is on record whereby the in-laws of the deceased never visit this rented house of the deceased. There is no evidence against the revisionist to frame a charge. Hence the prayer is made accordingly.

Learned A.G.A. opposed the prayer and submitted that in paragraph no. 7 of the counter affidavit, it has been very well mentioned that this marriage of the deceased was a court marriage with the son of the revisionist. It was solemnized against the will of the revisionist and other family members. Hence, the deceased was demanded dowry and was being harassed for the same. When this demand was not fulfilled, deceased Shivani, the daughter of the first informant was put to death by her husband and other family members. Chargesheet has been filed by the Investigating Officer concerned after

recording the evidence and finding prima facie case against the revisionist. Attention of the court is drawn towards the inquest report wherein the Magistrate conducting the inquest found the dead body of the deceased hanging in a room. Her legs were found folded from her knees on a wooden bed/ Takhat, hence, the prayer is made to dismiss the present revision.

From the perusal of the FIR, it can be said that the court marriage of the deceased was performed with the son of the revisionist but after sometime her husband Ayush and the present revisionist along with other co accused persons started harassing the deceased demanding Rs. 2 lacks in cash and one motorcycle as dowry. Though the first informant tried to expostulate them but the harassment of the deceased was not stopped rather she was expelled from her matrimonial house. Finding no way, she started living in a rented room at Gola and it is alleged that on 25.6.2019 all the accused persons came to the rented accommodation of the deceased and thrashed her. After causing her death they hanged her from the roof. In the post mortem report also apart from ligature mark one abraded contusion 3x3 cm on the left side of face 1 cm below left eye and a contusion 4x3 cm on back of head were found on the person of the deceased. As per inquest report, the deceased was found hanging with her legs folded from her knees resting on the wooden bed/ Takhat. Admittedly, on the basis of evidence collected by the Investigating Officer, he filed charge sheet against the present revisionist also. The trial court has very well mentioned in the order that this marriage of the deceased with the son of the revisionist was against the will of the family members of the deceased so she was expelled from her matrimonial house. The trial court also found prima facie case against the revisionist for framing of charge. No illegality, irregularity or impropriety is found in the impugned order. This court does not find any sufficient ground to interfere in the impugned order. The revision lacks merits and is liable to be dismissed.

The revision is dismissed accordingly.

The copy of this order be sent to the trial court for adjudication.

Order Date :- 30.11.2023

Gss