

Court No. - 12

Case :- CRIMINAL REVISION No. - 759 of 2023

Revisionist :- Jagdish

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Lko.
And 4 Others

Counsel for Revisionist :- Lalu Prasad Bhatt

Counsel for Opposite Party :- G.A.,Durgendra Kumar Tiwari

Hon'ble Rajeev Singh,J.

1. Heard learned counsel for the revisionist, learned A.G.A. for the State and perused the record.
2. The present revision has been filed for quashing the order dated 18.04.2023 passed by learned Civil Judge (S.D.)/J.M. Kaiserganj, Bahraich in Case Crime No. 113 of 2023 U/s 363, 504, 506 I.P.C., Police Station- Risiya, District- Bahraich.
3. Learned counsel for the revisionist submits that learned trial court committed error in considering the documents related to the birth of daughter of applicant. He further submits that learned trial court appreciate the ossification test, in which, victim was found 18 years old and she was allowed to go at her own choice. It is, thus, submitted that indulgence of this Court is required.
4. Learned A.G.A. opposes the prayer of revisionist and submits that learned trial court examined the mother and principal of the alleged college/school; in the statement of the principal, he categorically stated that relied documents were never issued from his college/school and one birth certificate relied by the mother of victim was verified by the District Women Hospital, Bahraich, and learned court concerned received the information that no such document was issued by the said hospital. He further submits that in such circumstances, when the relied documents related to date of birth of victim was found suspicious then only remedy was the ossification test; as per the ossification test, she was found major, hence, learned trial court has rightly allowed her to go at her own choice.
5. Considering the submissions of learned counsel for the revisionist, learned A.G.A. and going through the contents of revision as well as other relevant documents; it is evident that learned trial court has rightly consider the deposition of principal of the alleged college/school as well as mother of the

victim and the report was also called from the District Women Hospital, Bahraich, in which, it was found that birth certificate relied by the mother of victim was never issued by the said hospital. Therefore, there is no illegality in the order passed by learned trial court.

6. With the above observations, this Court is of the view that the present revision lacks merit and, accordingly, stands **dismissed**.

Order Date :- 24.11.2023

Arpan