

Court No. - 12

Case :- CRIMINAL REVISION No. - 1146 of 2023

Revisionist :- Ajay Kumar Tiwari @ Ajju Tiwari And Another

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home, Lko. And Another

Counsel for Revisionist :- Vimal Shukla, Amar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh, J.

1. Heard learned counsel for the revisionists, learned A.G.A. for the State and perused the material brought on record.
2. This revision has been filed for quashing the order dated 15.07.2023 passed in S.T. No. 42 of 2023, (State Vs. Santosh Tiwari & Ors.) arising out of F.I.R. No. 129 of 2012, under Sections 147, 323, 504, 506, 342, 364 I.P.C., P.S. Kotwali Bikapur, District Ayodhya.
3. Learned counsel for the revisionists submits that the revisionists have been implicated in the present case due to political rivalry. It is further submitted that the charge sheet has been filed by the Investigating Officer in mechanical manner. Drawing the attention of the Court towards the medico legal report as well as the statement of the informant recorded under Section 161 Cr.P.C., learned counsel for the revisionists submits that the court below has wrongly rejected the application for discharge.
4. Learned A.G.A. opposes the prayer of the revisionists and submits that defence cannot be considered at the time of deciding the discharge application. It is further submitted that the court below has rightly rejected the application for discharge after evaluating the evidence collected by the Investigating Officer as well as the statement of the victim and his medico legal report.
5. Considering the arguments advanced by the learned counsel for the revisionist, learned A.G.A. and going through the contents of the revision, impugned order as

well as other relevant documents, admittedly, the defence of the revisionist cannot be considered at the time of deciding the discharge application. It is also evident that the court below has rightly rejected the discharge application after considering the evidences collected by the Investigating Officer.

6. In view of above facts and discussions, the revision is devoid of merit and, accordingly, stands dismissed.

Order Date :- 28.10.2023

VKS