

Court No. - 13

Case :- CRIMINAL MISC. WRIT PETITION No. - 7304 of 2023

Petitioner :- Mohd. Anvar And Another

Respondent :- State Of U.P. Thru. Secy. Deptt. Of Home Lko. And Another

Counsel for Petitioner :- Manisha Trivedi

Counsel for Respondent :- G.A.

Hon'ble Karunesh Singh Pawar,J.

Heard learned counsel for the petitioners as well as learned AGA for the State.

None appears on behalf of respondent no. 2 as she has refused to take notices and hence, notices are deemed to be sufficient.

Perused the order dated 14.11.2022 passed by the learned Civil Judge, FTC, Barabanki, so also the statement of the prosecution witnesses under Section 200 and 202 Cr.P.C.

A perusal of the complaint as well as statement of the prosecution witnesses under Section 200 and 202 Cr.P.C., prima facie case for taking cognizance is made out. It is no ground that the witnesses under Section 202 Cr.P.C. are not the family members of the complainant. No illegality can be attributed to the order dated 14.11.2022 passed by the trial Court, likewise, learned Revisional Court has also found that there is no illegality in the impugned summoning order. Thus, this Court does not find any merit in the petition.

The petition is accordingly, dismissed.

After the order was passed, learned counsel for the petitioners submits that she does not want to press petition rather prays that the petitioners may be permitted to surrender before the trial court and move appropriate bail application which may be decided in view of law laid down by Supreme Court in "**Satender Kumar Antil versus Central Bureau of Investigation and another, Special Leave to Appeal (Cri)No.5191 of 2021**".

In view of the above, it is provided that in case the petitioners namely **Mohd. Anvar and Anarkali** appear before the trial court within two weeks from today and apply for bail, the same shall be decided expeditiously, in view of the law laid down by Supreme Court in Satender Kumar Antil's case (supra).

Order Date :- 24.11.2023/R.C.