

Court No. - 12

Case :- CRIMINAL REVISION No. - 1172 of 2023

Revisionist :- Mata Deen

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Lko.
And 3 Others

Counsel for Revisionist :- Anshuman Singh, Pradeep Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh, J.

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

2. Present revision has been moved by the revisionist for quashing the order dated 30.08.2023 passed by Special Judge (E.C. Act)/IV Additional Sessions Judge, Rae Bareilly, in Sessions Trial No.425 of 2021; State Vs. Ishwar Deen and Ors. arising out of Case Crime No.81/2019 P.S. Mohan Ganj, District- Amethi and to direct the trial court to summon respondent no.2 to 4 to face trial of Sessions Trial No.425 of 2021.

3. Learned counsel for the revisionist submitted that in the F.I.R., seven persons were named, as the Investigating Officer was in association with the accused persons, therefore, names of four persons were deleted and charge sheet was filed only against three persons, namely Avadhesh, Sant Ram and Ishwar Deen. He further submitted that after framing of charges, the statement of informant was recorded as P.W.-1 and he again reiterated the version as stated in his statement under Section 161 Cr.P.C. and thereafter, application under Section 319 Cr.P.C. was moved for summoning of the four other persons. He further submitted that the trial court rejected the application in relation to the private respondent and allowed the application for another co-accused, namely, Sant Ram. He further submitted that it is obligatory on the part of trial court to either allow the application in whole or reject the same and discrimination cannot be done, therefore, kind indulgence of this Court is necessary.

4. Learned A.G.A. opposed the prayer of revisionist and submitted that trial court has rightly rejected the application under Section 319 Cr.P.C., as after detailed investigation, on the basis of evidences collected by the Investigating Officer, name of private respondent was dropped, as the revisionist has made statement before the Investigating Officer under Section 161

Cr.P.C. and the same was reiterated before the trial court and without recording the statement of Investigating Officer, it cannot be said that the Investigating Officer wrongly deleted the name of private respondent.

5. Considering the submissions of learned counsel for the parties, going through the contents of application, as well as other relevant documents, as the trial court has rightly considered the contents of the application as well as police report, as the statement recorded under Section 161 Cr.P.C. was reiterated by the revisionist in his deposition, therefore, there is no illegality in the order of trial court and the application is liable to be dismissed.

6. Accordingly, the revision is hereby **dismissed**.

Order Date :- 19.10.2023

V. Sinha