

Court No. - 11

Case :- APPLICATION U/S 482 No. - 11520 of 2023

Applicant :- Lalta Prasad Maurya

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Lko.
And 2 Others

Counsel for Applicant :- Bisunbablu Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Saurabh Lavania,J.

Heard.

By means of the present application, the applicant has assailed the order dated 10.02.2023 passed in Compliant No. 2130 of 2022 (Lalta Prasad Maurya vs. Sanjeev Kannojiya) by the IInd Additional Civil Judge (J.D.)/ Judicial Magistrate, Raebareli and also the order dated 10.10.2023 passed by the Additional Session Judge/ POCSO-II, Raebareli in Criminal Revision No. 78 of 2023 (Lalta Prasad Maurya vs. State of U.P. & Others).

Brief facts of the case are to the effect that the applicant preferred a complaint making allegations against Sanjeev Kannojiya and Ramdev Yadav.

Para 2 of the complaint (annexed as Annexure No.3 to the present application) indicates that opposite party Nos. 2 & 3 threatened the applicant by making a statement that they would lodge an FIR against the applicant for theft of electricity and demanded Rs.20,000/- and thereafter, they took Rs. 5,000/- and left the place. However, in this para, time and date of alleged incident have not been mentioned.

Para 3 of this complaint indicates that commercial connection of the petitioner/applicant of Flour Mill (Atta Chakki) was disconnected on 01.04.2021.

It would be appropriate to indicate that in the entire complaint the date of alleged demand of money has not been indicated and in the same it has also not been indicated as on which date the applicant through registered post informed the said incident to the Superintendent of Police, Amethi.

Further, the date indicated on the complaint is 15.01.2022 and the date indicated on the affidavit filed in support thereof is 25.01.2022.

It is also evident from record that an FIR against the applicant under Section 135 of the Electricity Act, 2003 was lodged on 20.11.2020.

It further appears that in support of the complaint, the applicant appeared before the trial court and in statement recorded before the Court he indicated the date of incident as 18.11.2021 at 07:30 PM.

One witness namely Dharmendra Kumar before the court concerned made a statement that the incident was occurred on 18.11.2020 and another witness namely Harishchandra, who was produced by the applicant before the court concerned made a statement that the incident is of 18.11.2020.

Taking note of aforesaid particularly the fact that after lodging of FIR dated 20.11.2020, the petitioner/applicant preferred the complaint that too without indicating specific date and time of alleged incident and before the Court, the petitioner/applicant and witnesses in their statements recorded under Section(s) 200 and 202 Cr.P.C. respectively have not indicated the same date, this Court is of the view that with ulterior motive the applicant filed the complaint, as such, the orders impugned, wherein it has been observed that the complaint was filed with ulterior motive by the applicant, are justified.

Accordingly, there is no force in the present application. The application under Section 482 Cr.P.C. is **dismissed**.

Order Date :- 24.11.2023

Vinay/-