

Court No. - 12

Case :- CRIMINAL MISC. WRIT PETITION No. - 1003465 of 2014

Petitioner :- Nizam Ahmad

Respondent :- Smt. Kamrunnisa And Others

Counsel for Petitioner :- Mohammad Abid Ali,Atiya Abid,Rajesh Kumar

Counsel for Respondent :- Govt. Advocate,Mohiuddin Khan

Hon'ble Saurabh Lavania,J.

Supplementary affidavit filed by the petitioner in Court today is taken on record.

Heard learned counsel for the petitioner, learned Government Advocate for the State of U.P. and perused the record.

The instant application has been preferred for the following main relief:-

"to issue a writ, order or direction in the nature of Certiorari quashing the impugned judgment and order dated 5.9.2013, passed by the learned Additional Sessions Judge, Court No.6, Sultanpur, in Criminal Revision No.146 of 2012; In re: Nizam Ahmad Vs. State of U.P. and others, contained in Annexure No.14 to the writ petition, as well as judgment and order dated 5.1.2012, passed by Additional Chief Judicial Magistrate, Court No.21, Sultanpur, in Case No.573 of 2010; In re: Kamrunnisa and another Vs. Nizam Ahmad, contained in Annexure No. 13 to the writ petition, as well as order dated 19.2.2014, passed by the Kutumb Nyayalaya, Sultanpur, in Criminal Case No.1021 of 2013; In re: Kamrunnisa Vs. Nizam Ahmad, contained in Annexure No.15 to the writ petition;"

Based upon the facts narrated in the aforesaid affidavit, it is stated that the petitioner has preferred an application under Section 146(2) BNSS, 2023, akin to Section 127 Cr.P.C. (now repealed), which is pending consideration as Criminal Misc. Case No. 1046 of 2024 (Nizam Ahmad Vs. Smt. Kamrunnisa) under Section 146(2) BNSS, 2023 and this application is based upon the fact that the respondent no. 1 concealed the material fact related to solemnizing the marriage with Israr Ahmad alias Rojjan in 2005 itself.

In view of aforesaid, this Court is not inclined to accede with the prayer sought in the present petition and it is, accordingly, disposed of with liberty to the petitioner to pursue the remedy availed by the petitioner, indicated above, which shall be disposed of at earliest after giving opportunity of hearing to the respondent no. 1, as per law.

Order Date :- 19.12.2024/Mohit Singh/-