

Court No. - 16

Case :- CRIMINAL MISC. WRIT PETITION No. - 29978 of 2021

Petitioner :- Mo. Iliyas Khan

Respondent :- State Of U.P. Thru. Prin. Secy. Home Lucknow And Ors.

Counsel for Petitioner :- Sandeep Singh, Anupesh Kumar

Counsel for Respondent :- G.A., Ashish Raman Mishra

Hon'ble Shamim Ahmed, J.

Sri Anupesh Kumar, learned counsel for the petitioner and Sri Ashish Raman Mishra, learned counsel for the opp. party No. 3 and Sri Ashok Kumar Singh, learned A.G.A.

This writ petition has been filed challenging the order dated 9.9.2021 passed in Criminal Revision No. 17 of 2021 by the learned 4th Addl. Sessions Judge, Bahraich, dismissing the criminal revision, which was filed against the order 29.05.2013 passed by the learned Chief Judicial Magistrate, Bahraich in Suit No. 321/2011, Mohd. Iliyas v. Nazia Khan, under Sections 384, 342, 323, 504, 506, I.P.C. P.S. Kotwali Dehat, District Bahraich.

Learned counsel for the petitioner submits that the aforesaid Suit No. 321/2011, Mohd. Iliyas v. Nazia Khan, filed by the petitioner was wrongly rejected by the learned Chief Judicial Magistrate, against which the revision which was also preferred by the petitioner, but the revision was also rejected by the learned Addl. Sessions Judge without considering the evidence on record, thus, the impugned orders are bad in the eye of law and the present criminal writ petition deserves to be allowed.

Sri Ashish Raman Mishra, Advocate, as well as Sri Ashok Kumar Singh, learned A.G.A. submits that the impugned orders dated 9.9.2021 and 29.5.2013 were rightly passed. There is no illegality or infirmity in these impugned orders. The orders were passed after considering the entire details on record. The petitioner wants to falsely implicate the opp. party nos. 2 to 6 in a false case and both the trial courts did not find any material against them, thus, the impugned orders were passed, rejecting the case of the petitioner, thus, there is no illegality and infirmity in the impugned order. The relief as sought by the petitioner in the present writ petition, cannot be granted and the petition is liable to be dismissed.

After considering the arguments as advanced by learned counsel for the parties and after perusal of the record and the

impugned orders dated 9.9.2021 passed in Criminal Revision No. 17 of 2021 as also the order 29.05.2013 passed in Suit No. 321/2011, Mohd. Iliyas v. Nazia Khan, this court does not find any illegality or infirmity in the impugned orders. The orders were rightly passed after considering the entire evidence on record, and no interference is required therein by way of the present writ petition. The relief as sought by the petitioner in the present writ petition, cannot be granted. The writ petition lacks merits and is accordingly **dismissed**.

(Shamim Ahmed, J.)

Order Date :- 19.7.2024
A.Nigam