

UPAZ010012452026



IN THE COURT OF SESSIONS JUDGE, AZAMGARH.

PRESENT: JAI PRAKASH PANDEY, H.J.S.

(J.O. Code UP 1883)

Criminal Revision No. 66 of 2026

01. **Meera** aged about 42 yrs w/o Parmeshwar,
 02. **Suman** aged about 49 yrs s/o Ramjapit,
 03. **Pintu** aged about 31 yrs s/o Phulchand,
 04. **Ramjapit** aged about 35 yrs s/o Phulchand,
 05. **Ramnayan** aged about 23 yrs s/o Phulchand,
- Above all r/o Lohanpur, P.S. Mehnagar, District Azamgarh.

.....Revisionists.

Versus

01. **State of U.P.**
02. **Chanauti Devi** aged about 55 yrs w/o Shyamcharan Chauhan, r/o Lohanpur, P.S. Mehnagar, District Azamgarh.

.....O.Ps.

JUDGMENT

(20.07.2026)

01. This criminal revision has been filed by the revisionists against the impugned order dated 02.12.2025, passed by the learned Judicial Magistrate, Court No. 20, Azamgarh, in complaint no. 4581/2024(Chanauti Devi vs. Meera & Anr.). Vide this impugned order, learned Trial Court has summoned the revisionists namely Ramjapit, Ramnayan, Pintu, Meera and Suman for facing trial under Section 323 IPC.

02. The brief facts of the revision are that the complainant Chanauti Devi filed a complaint alleging inter alia that the complainant has a tubewell and adjacent to this tubewell, there is an irrigation channel(nali) and near this irrigation channel(nali), there is a field of Meera & others. Meera and other co-accused persons had cut and obliterated the said irrigation channel(nali). When the complainant restored it, the accused persons abused the complainant and also attempted to assault her, however the complainant managed to escape by entering in her house. On the next day 13.09.2021, when the complainant was taking water to her field from her tubewell through the said irrigation channel(nali), the accused persons namely Meera, Sumar, Pintu, Ramjapit and Ramnayan, armed with lathi-danda and fawda, arrived at the spot and forcibly destroyed the said irrigation channel(nali). When the complainant obstructed them, the accused persons dragged the complainant by grabbing her hair and began assaulting her. Upon the hue and cry of complainant, her husband and other villagers arrived at the spot and saved her. The accused persons ran away while threatening to kill the complainant. The complainant sustained internal injuries across her body. Regarding to the aforesaid incident, the complainant gave a written application at the local police station and to the S.P. Azamgarh, but no action was taken. Thereafter, complainant filed a commplaint before the trial Court.

03. After considering the facts and circumstances as narrated in the complaint, learned Trial Court registered it and directed the complainant to produce his evidence under Section 200 Cr.P.C. before the court. Thereafter, the complainant examined herself as a witness u/s. 200 Cr.P.C. and she has also examined other witnesses as Ramcharan Chauhan (P.W. 1) and Keshav Singh (P.W. 2) u/s. 200(2) Cr.P.C.

04. After considering and analyzing the facts and circumstances mentioned in the complaint as well as the statements of complainant and her witnesses, learned Trial Court passed the order dated 11.01.2023 and summoned the revisionists/accused persons namely Ramjapit, Ramnayan, Pintu, Meera and Suman for facing trial for offences u/s. 323, 506 IPC, but the revisionists/accused persons challenged this order by filing a revision petition no. 145/2024 (Meera etc. vs. Government). Learned revisional court, finding that a prima facie offence u/s. 323 IPC is made out against the revisionists/accused persons, partially allowed the revision petition and directed the trial court to pass a new summoning order in light of the findings given in the revisional order dated 18.08.2025. Subsequently, learned Trial Court passed the order dated 02.12.2025 and summoned the revisionists/accused persons for facing trial for offences u/s. 323 IPC.

05. The grounds raised in this revision petition are that the impugned order is against the law. The complainant has clearly stated in his statement u/s. 200 Cr.P.C. that the revisionists/accused persons dragged the complainant by grabbing her hair and assaulted her by kicking and punching and after that they threw her into the irrigation channel, which resulted in injuries on her head, neck and right hand. The complainant received medical treatment from a private doctor. In support of her statement, the complainant produced Ramcharan Chauhan and Keshav Singh as witnesses, who in their statements u/s. 200(2) Cr.P.C., have stated that the revisionists/accused persons dragged the complainant by grabbing her hair and assaulted her by kicking and punching. The police had conducted the medical examination of the complainant's injuries. However, no medical report has been filed by the complainant before the trial court, so it is clear that the complainant was not assaulted by the revisionists/accused persons and on the basis of a false story, the complainant filed a complaint before the trial court. Learned Trial Court while passing the impugned order did not exercise its judicial mind on the facts and circumstances of the case and summoned the revisionists/accused persons for offence u/s. 323 IPC. It is prayed that revision petition be allowed and impugned order be set aside.

06. Learned D.G.C.(Crl.) appearing for the state/O.P. No.1 as well as learned counsel for the O.P. No. 2, have jointly submitted that the impugned order did not suffer from any illegality and irregularity. Learned trial court has passed the impugned order after considering all the materials available of record. This revision petition has no force and is liable to be dismissed.

Heard learned counsel for both the parties and perused the record.

07. Upon perusal of the record of this case, it is found that learned trial court, after considering the facts and circumstances of the case, passed the impugned order dated

02.12.2025 and summoned the revisionists/accused persons namely Ramjapit, Ramnayan, Pintu, Meera and Suman for facing trial for offense u/s. 323 IPC. Feeling aggrieved, the revisionists/accused persons filed this revision petition.

08. Learned trial court has relied upon the statements of complainant u/s. 200 Cr.P.C. as well as the complainant's witnesses Ramcharan Chauhan (P.W.1) and Keshav Singh(P.W.2) 200(2) Cr.P.C. I have perused the statement of complainant u/s. 200 Cr.P.C. in which she has stated that the complainant was taking water to her field through irrigatin channel(nali). At the same time, the accused persons namely Ramjapit, Ramnayan, Pintu, Meera and Suman started cutting the irrigation channel(nali). When the complainant obstructed to them, the accused persons assaulted her with kicks and fists, dragged by grabbing her hair and threw her into water channel(nali). Upon the hue and cry of complainant, Keshav Singh, Ramcharan and others arrived at the spot and saved her. The complainant sustained injuries on her head, neck, chest and right hand. The complainant got her medical treatment from a private doctor. The complainant's witnesses Ramcharan Chauhan(P.W.1) and Keshav Singh(P.W.2), in their statements u/s. 200(2) Cr.P.C., have supported the statement of complainant u/s. 200 Cr.P.C.

09. Learned counsel for the revisionists/accused persons has argued that the complainant has not submitted any medical evidence regarding her injuries before the trial, so it is clear that the revisionists/accused persons have not assaulted the complainant. Despite of non-availability of any medical evidence, learned trial court has summoned the revisionists/accused persons for facing trial for offence u/s. 323 IPC. This argument of learned counsel for the revisionists/accused persons is not acceptable because it is well settled principle of law that for an offence under Section 323 IPC, oral testimony of the complainant supported by the witnesses is sufficient to constitute a prima facie case. The absence of a medical evidence does not negate the occurrence of the offence at the stage of summoning, as the medical evidence is only a piece of corroborative evidence. Upon perusal of the statements of complainant u/s. 200 Cr.P.C. and her witnesses u/s. 200(2) Cr.P.C., it is clear that the revisionists/accused persons voluntarily assaulted the complainant with kicks and fists, dragged her by grabbing hair and threw her into the irrigation channel, resulting to the complainant sustained injuries on her body, so the offence committed by the revisionists/accused persons comes prima facie within the ambit of Section 323 Cr.P.C.

10. Urom perusal of the record, it is found that the trial court, after considering the statements of the complainant and her witnesses as well as documents available on record, passed the impugned order dated 02.12.2025 and summoned the revisionist/accused persons for facing trial for offence u/s. 323 IPC. Thus, I am of the opinion that there is no legal error of any kind in the impugned order, because at the stage of summoning, the Magistrate has to determine only whether any prima facie case is made out against the accused person or not. The Magistrate is not expected to conduct a mini-trial or weigh the evidence as if the trial has already commenced.

11. Thus, on the basis of the above discussion, I reached to the conclusion that the order passed by the learned Trial Court suffers no illegality or irregularity and there is no need to interfere in the impugned order. Under the above facts and circumstances, the arguments advanced by the learned counsel for the revisionists are not fit to be accepted. Therefore, the present revision of the revisionists deserves to be rejected.

ORDER

This revision petition is hereby rejected. Let the Trial Court's record be remitted back immediately along with a copy of this judgment. File be consigned as per Rule.

Dated: 20.07.2026

(Jai Prakash Pandey)
Sessions Judge,
Azamgarh.

Judgment signed, dated and pronounced in open court.

Dated: 20.07.2026

(Jai Prakash Pandey)
Sessions Judge,
Azamgarh.