

UPAZ010114532025

**IN THE COURT OF SESSIONS JUDGE, AZAMGARH.****PRESENT: JAI PRAKASH PANDEY, H.J.S.****(J.O. Code UP 1883)****Criminal Revision No. 497 of 2025**

01. **Mohd. Vaish** aged about 60 yrs s/o Rafiul,
 02. **Quraish** aged about 64 yrs s/o Rafiul,
 03. **Ateeq** aged about 30 yrs s/o Vaish,
 04. **Nagma** aged about 32 yrs d/o Vaish,
- Above all r/o Mauza Asharafpur, P.S. Jiyampur, District Azamgarh.

.....Revisionists.**Versus**

01. **State of U.P.**
02. **Mohd. Atif @ Mohd. Adil** aged about 30 yrs s/o Mohd. Haroon, r/o Mauza Asharafpur, P.S. Jiyampur, District Azamgarh.

.....O.Ps.**JUDGMENT****(02.04.2026)**

01. This criminal revision has been filed by the revisionists against the impugned order dated 05.11.2025, passed by the Learned Judicial Magistrate, Court No. 22, Azamgarh, in complaint no. 95/2025(Mohd. Atif @ Mohd. Adil vs. Mohd. Vaish & Anr.). Vide this impugned order, learned Trial Court has summoned revisionists namely Mohd. Vaish, Quraish, Ateeq, Nagma and 1 another for facing trial under Sections 115(2), 351(2) BNS.

02. The brief facts of the revision are that complainant Mohd. Atif @ Mohd. Adil filed a complaint alleging inter alia that on 07.12.2024, at about 07:30 PM, the accused persons namely Mohd. Vaish, Quraish, Atif, Ateeq, Wajid, Abid, Aqib, and Nagma, being armed with hockey-lathi, came at the doorstep of the complainant and started hurling filthy abuses. Thereafter, the aforesaid accused persons forcibly entered into the complainant's house with the intent to cause death and brutally assaulted to the complainant's father Haroon, brothers Asif and Harris with hockey-lathi, resulting in grievous injuries to them. The accused persons further threatened to kill them and demolished the complainant's tin shed. Upon hearing the commotion, local residents gathered at the spot, witnessed the incident and intervened into the matter. Regarding to the aforesaid incident, the complainant's father gave a written application in the local police station and S.P. Azamgarh, but no action was taken. Thereafter, complainant filed a complainant 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 223 BNSS before the court. Thereafter, Complainant examined himself as a witness under Section 223 BNSS and he had also examined witness Haroon (P.W. 1) and another witness Mu. Harish (P.W. 2) under section 225 BNSS.

04. After considering and analyzing the facts and circumstances mentioned in the complaint as well as the statements of complainant and his witnesses, learned Trial Court passed the impugned order and summoned the revisionists/accused persons for facing the trial of offences under Sections 115(2), 351(3) BNS.

05. The grounds raised in this revision petition are that the impugned order is against the law. Learned Trial Court while passing the impugned order did not exercise its judicial mind on the facts and circumstances of the case. The revisionist lodged an FIR no. 542/2024 under Section 109, 115(2), 352, 351(3) BNS, at P.S. Jiyanpur against the complainant's father Haroon and his brothers and as a counter-blast, the complainant has filed the complaint against the revisionists. The incident as narrated by the complainant is false and he has filed the aforesaid complaint on false and concocted ground, with the sole intent of exerting undue pressure upon the revisionists. 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 the parties and perused the record.

07. It is found from the perusal of the record that learned Trial Court, while passing the impugned order dated 05.11.2025, has summoned revisionists/accused persons namely Mohd. Vaish, Quraish, Ateeq, Nagma and 1 another for facing trial under Sections 115(2), 351(2) BNS.

08. Upon perusal of the record, it is found that the complainant has mainly stated in his complaint that on 07.12.2024, at about 07:30 PM, the accused persons namely Mohd. Vaish, Quraish, Atif, Ateeq, Wajid, Abid, Aqib, and Nagma, being armed with hockey-lathi, came at the doorstep of the complainant and started hurling filthy abuses. Thereafter, the aforesaid accused persons forcibly entered into the complainant's house with intent to cause death and brutally assaulted to the complainant's father Haroon, brothers Asif and Harris with hockey-lathi, resulting in grievous injuries to them. The accused persons further threatened to kill them and demolished the complainant's tin shed.

09. The complainant in his statement under Section 223 BNSS has stated that Mohd. Vaish, Quraish, Atif, Ateeq, Abid, Nagma, and Aqib had assaulted his father and brothers. The accused persons also threatened to kill his father and brothers. Medical examination was conducted for the injuries sustained by his father and brothers. Similarly, the other witnesses Haroon (P.W. 1) and Mu. Harish (P.W. 2) in their evidence under Section under section 225 BNSS, have also stated almost same version and supported the statement of the complainant.

10. In the light of arguments advanced by the learned counsel for the revisionists, I perused the facts and circumstances as narrated in the complaint, statements of the complainant under section 223 BNSS and other witnesses under section 225 BNSS as well as the trial court's

record, it is prima facie found that the revisionist/accused persons have assaulted to the complainant's father Haroon, brothers Asif and Harris and they also threatened to kill the complainant's father and brothers and version of complainant and other witnesses is also supported by the medical evidence of injured persons. It is found that there is no material available on record to substantiate the argument of learned counsel for the revisionists to the effect that as a counter-blast, the complainant has filed the complaint, so the argument of learned counsel for the revisionists is not fit to be accepted. It is also found that the learned Trial Court, after analyzing and considering the documents available on record and the statements of complainant and other witnesses, passed the impugned order and summoned the revisionists/accused persons namely Mohd. Vaish, Quraish, Ateeq, Nagma and Atif for facing trial under Sections 115(2), 351(2) BNS. In my considered view, on the basis of the facts mentioned in complaint and the statements of complainant under section 223 BNSS and injured/victim witnesses under section 225 BNSS, the prima facie offence of Sections 115(2), 351(2) BNS is made out against the revisionists/accused persons at this stage and I do not find any illegality or irregularity of any kind in the impugned order passed by the learned Trial Court, because at the stage of summoning, the court has to determine only whether any prima facie case is made out against the accused persons or not.

11. The argument of learned counsel for the revisionists that the incident as narrated by the complainant is false, is not fit to be accepted because this is a subject matter of trial and its determination is possible only after the trial.

12. 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. The impugned order dated 05.11.2025 passed by the learned Trial Court is hereby confirmed. Let the Trial Court's record be remitted back immediately along with a copy of this judgment. File be consigned as per Rule.

Dated: 02.04.2026

(Jai Prakash Pandey)
Sessions Judge,
Azamgarh.

Judgment signed, dated and pronounced in open court.

Dated: 02.04.2026

(Jai Prakash Pandey)
Sessions Judge,
Azamgarh.