

UPAZ010004152025



In The Court of Additional Sessions Judge, Court No.-3, Azamgarh

PRESENT: Shri Ajay Srivastava (H.J.S.)

(J.O. Code UP 2403)

Criminal Revision No.-09/2025

1. Dheeraj Rajbhar aged 24 years S/o Nakched Rajbhar R/o Mauja Saren Thana Ahraula District Azamgarh.

....Revisionists

Vs.

1. State of U.P.
 2. Dayaram aged about 58 years S/o Ramsaran Rajbhar
 3. Dharendra aged about 32 years S/o Dayaram Rajbhar
 4. Triveni Rajbhar aged 27 years S/o Dayaram Rajbhar
 5. Tridev aged about 24 years S/o Dayaram Rajbhar
 6. Makaranda aged about 55 years S/o Ramsaran Rajbhar
 7. Chandan Rajbhar aged about 25 years S/o Mayaram Rajbhar
- R/o Mauja Saren Thana Ahraula District Azamgarh

.....Opposite parties

JUDGMENT

1. This Criminal Revision has been filed against order of Lower Court dated 15.10.2024 in Complaint Case No. 724/2024, Dheeraj Rajbhar Versus Dayaram Rajbhar and others whereby after consideration of statement of complainant and his witnesses, the Learned Magistrate has summoned Triveni Rajbhar u/s 323, 504 IPC and other accused persons under Section 504 I.P.C.

2. Brief facts giving rise to the present revision are that order of the court below is against the established section of law. The Magistrate has failed to mention the correction provisions or interpretation of the statement of

complainant under Section 200 Cr.P.C and has failed to perused the material evidence available on record. Prima facie the offence under Section 147, 323, 325, 504, 506, 452 IPC is made out. So, the Magistrate has done error in summoning the accused persons only under Section 323 and 504 IPC.

3. Learned counsel for the revisionist has submitted that even in statement of witnesses there is clear cut mention of involvement of all accused and crime committed under Section 452 IPC but the Magistrate has done wrong in summoning the accused only under Section 323, 504 IPC. And as such the order of the Magistrate is liable to be dismissed and criminal revision should be allowed.

4. Learned A.D.G.C has vehemently opposed the Criminal Revision stating that after clear perusal of statement of complainant and that of his witnesses the learned Trial Court has rightly summoned the accused under section 323, 504 IPC and as such there is no illegality in aforesaid order.

5. While deciding the matter in Revision under Section 397 Cr.P.C., this Court has limited powers and while exercising those powers only the legality, propriety and correctness of the order of the Lower Court can be seen and the Revisional Court should not go into the factual matters of the Case.

6. Heard counsel for the parties and perused the record.

7. Perusal of the statements of complainant under Section 200 is available in the file of the Lower Court the said statement was recorded on 7.8.2024 and clear scrutiny of that order shows that he has stated clearly that the O.P. 4 of the revision Triveni Rajbhar has beaten his brother. The statement of injured witness given under Section 202 Cr.P.C is also not very difference from that of complainant. And it gives an impression that prima facie it is the alleged O.P. Triveni Rajbhar who has caused injury to the brother of the complainant. Thus, the magistrate has done nothing wrong in summoning the accused Triveni Rajbhar under Section 504, 323 IPC and summoning the other accused on 504 IPC. Thus, this Court is of view that the criminal revision filed against the order is liable to be dismissed.

ORDER

Criminal Revision No. 09/2025, Dheeraj Rajbhar Vs State is dismissed. The order of the learned Magistrate dated 15.10.2024 is upheld.

File of the revision should be consigned to the Record Room after necessary proceedings. Record of Lower Court should be send to Court below along with copy of order.

Dated: 15.06.2026

(Ajay Srivastava)
Additional Sessions Judge
Court No. - 3, Azamgarh
J.O. Code U P 2403

Judgement signed, dated and pronounced today, in the open court.

Dated:15.06.2026

Anushka
(Steno)

(Ajay Srivastava)
Additional Sessions Judge
Court No. - 3, Azamgarh
J.O. Code U P 2403