

UPET010056002025



**In The Court of Additional District and Sessions Judge /Special Judge
[Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act] Etah**

Present: Ashok Kumar XIII (J.O. Code – UP2392)

Criminal Revision No. 328 of 2025

Ramnaresh, aged about 65 years, Son of Late Shri Hotilal, Resident of Village Chureya, Police Station Rizor, Tehsil and District Etah. Mobile No. 9719360643, Aadhaar No. 498739743215.

... Revisionist/Complainant

Versus

1. State of Uttar Pradesh, through District Government Counsel (Criminal), Etah.

2. Munni Devi, aged about 56 years, Wife of Veerpal.

3. Veerpal, aged about 57 years, Son of Ausan Singh.

4. Mukesh Kumar, aged about 33 years, Son of Shri Veerpal.

5. Lalu, aged about 28 years, Son of Veerpal.

All Residents of Sundarpur, Police Station Rizor, Tehsil and District Etah.

... Opposite Parties/Accused

JUDGEMENT

1. The present criminal revision petition has been preferred under Section 438 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 397 of the Code of Criminal Procedure, 1973), challenging the legality, propriety, and correctness of the order dated 27.08.2025 passed by the learned Court of Additional Chief Judicial Magistrate (ACJM), Court No. 17, Etah. By way of the impugned order, the learned Trial Court dismissed the complaint of the revisionist, Ramnaresh, registered as Complaint Case No. 1257/2023 *Ramnaresh vs. Munni Devi and Others*, under Section 203 of the Code of Criminal Procedure, 1973 (CrPC). The revisionist seeks the

setting aside of the said order and a direction to summon the opposite parties to face trial for offences under Section 420 of the Indian Penal Code (IPC).

2. The factual matrix leading to the filing of the present revision is that the revisionist/complainant had initially moved an application under Section 156(3) of the CrPC before the Trial Court, alleging that his daughters-in-law, Smt. Babita and Smt. Baby, had purchased land situated at Gata No. 107S/0.202 hectare in Nagla Veersahay from one Dhanwanti, wife of Veerpal, via a registered sale deed dated 25.10.2013. Consequently, the names of Babita and Baby were mutated in the revenue records on 04.12.2013. It is alleged that on 28.03.2018, the opposite party No. 2, Munni Devi, fraudulently impersonated the (now deceased) Dhanwanti and filed a restoration application before the Court of Tehsildar, Etah, challenging the mutation. Although the restoration was initially allowed on 04.12.2019, it was eventually dismissed on 15.06.2022, restoring the names of the revisionist's daughters-in-law. The revisionist contends that the actual Dhanwanti passed away on 25.03.2020 or 25.01.2020 (as per death certificate). He asserts that Munni Devi, aided by her husband and sons (Opposite Parties 3 to 5), engaged in malicious and fraudulent litigation by posing as an "imposter" Dhanwanti to cause wrongful loss to the revisionist's family.
3. The learned Trial Court treated the application under Section 156(3) CrPC as a complaint. During the inquiry under Sections 200 and 202 CrPC, the complainant examined himself and two witnesses, namely PW1 Vijram Singh and PW2 Bhajan Lal, who supported the complainant's version. Documentary evidence, including the death certificate of Dhanwanti, electoral rolls of 1989 and 1999, and various revenue court orders, were also produced. However, the learned Trial Court, vide the impugned order dated 27.08.2025, concluded that there were no sufficient grounds for proceeding against the accused persons and dismissed the complaint under Section 203 CrPC, citing a lack of primary evidence to establish that the person who contested the revenue cases was indeed Munni Devi and not Dhanwanti.
4. The revisionist has challenged the impugned order on several grounds, that the Trial Court failed to exercise its jurisdiction properly by ignoring the oral and documentary evidence available on record. The Trial Court erred in holding that the non-production of the deceased Dhanwanti's Aadhaar card

was fatal to the complainant's case. The Court made an erroneous observation regarding the electoral rolls, arguing that rules of election and the presence of names in the rolls should have been viewed as corroborative evidence of identity. The Trial Court ignored the fact that the actual Dhanwanti had a different family and husband's parentage compared to Munni Devi, despite the names of their husbands being identical (Veerpal). The decision is against the settled principles of law as it weighed the evidence with the standard of a final conviction rather than assessing if a *prima facie* case for summoning existed.

5. In opposition, the learned District Government Counsel (Criminal) for the State and Ld. Advocate for the opposite parties argued that the Trial Court's order is well-reasoned. It is contended that the dispute is essentially of a civil nature pertaining to land title and mutation. The opposite parties argue that the revisionist failed to provide direct evidence to prove the identity of the person appearing in the revenue courts. Furthermore, it is argued that the revisional court has a limited scope and should not interfere with the discretionary power of the Magistrate unless there is a patent illegality or jurisdictional error.
6. On the basis of the above facts, arguments advanced by the parties the issues for Determination are:

Issue I: Whether the learned Trial Court committed a legal error in dismissing the complaint under Section 203 CrPC by requiring a high standard of proof at the stage of summoning.

Issue II: Whether there is any patent illegality or perversity in the Trial Court's findings regarding the identity of the alleged imposter and the deceased Dhanwanti.

7. Issue I is regarding whether the learned Trial Court committed a legal error in dismissing the complaint under Section 203 CrPC by requiring a high standard of proof at the stage of summoning. At the stage of Section 203 CrPC, the Magistrate is required to see whether there is "sufficient ground for proceeding." The law is well-settled that at this stage, the Court is not required to evaluate the evidence to determine whether it would lead to a conviction. However, the Magistrate must be satisfied that a *prima facie* case is made out. In the present case, the Trial Court observed that while revenue

litigations occurred, the complainant failed to provide "direct ocular evidence" or primary evidence to link the person appearing in court as "Dhanwanti" to the person of "Munni Devi". The Trial Court noted that the complainant did not present any witness who could testify to the physical identity of the imposter in the revenue proceedings. This Court finds that the Trial Court's demand for a clear link between the litigation and the specific identity of the accused is not an error of law but a necessary check against frivolous summoning in matters arising out of civil/revenue disputes.

8. Regarding Issue II, the revisionist heavily relies on the death certificate of Dhanwanti (Paper No. 14B) and the electoral rolls (Paper No. 12B/1, 12B/2). The Trial Court scrutinized these and found that the death certificate's Aadhaar details did not match or were not corroborated by the production of the original Aadhaar card of the deceased. More importantly, the Trial Court observed that there was no conclusive statement or finding from the higher courts (Revenue or otherwise) regarding the alleged impersonation. The revenue court's order dated 15.06.2022 dismissed the restoration application on the grounds that the "objection was weak" or "meritless," but it did not explicitly record a finding of criminal fraud or impersonation by Munni Devi.
9. In the absence of a clear finding of fraud by the competent revenue court where the alleged impersonation occurred, and given the lack of direct evidence identifying Munni Devi as the person who physically appeared and signed as Dhanwanti, the Trial Court's conclusion that the "grounds for summoning are insufficient" cannot be termed as perverse. A revisional court cannot substitute its own view for that of the Ld. Magistrate simply because another view is possible. Revisional jurisdiction is to be exercised only when there is a flagrant miscarriage of justice. Here, the Trial Court has applied its mind to the documents and the statements of PW1 and PW2 and found them wanting in establishing a *prima facie* criminal act of cheating by personation.
10. The records indicate a protracted revenue dispute between the parties. While the revisionist alleges a conspiracy and impersonation, the evidence produced before the Ld. Magistrate—largely consisting of revenue entries and death certificates—was found insufficient to bridge the gap between "suspicion" and "prima facie proof" of identity for a criminal trial. The Trial

Court's observation that no statement regarding the finality of the impersonation issue was made by higher courts is a significant factor. Therefore, this Court finds no illegality, irregularity, or jurisdictional error in the impugned order dated 27.08.2025.

ORDER

The Criminal Revision Petition No. 328 of 2025 (*Ramnaresh vs. State of U.P. and Others*) is hereby **rejected**.

The impugned order dated 27.08.2025 passed by the learned Court of Additional Chief Judicial Magistrate, Court No. 17, Etah, in Complaint Case No. 1257/2023 is affirmed.

The revision file be consigned to the Record Room after due compliance.

Date: 19.03.2026

(Ashok Kumar XIII)
Special Judge [SC/ST (PA) Act]
Etah