

IN THE Court OF ADDL. SESSIONS JUDGE, Court NO. 1, MAU

Present : Baquar Shamim Rizvi (Higher Judicial Service)

Judicial Officer Code No. UP6398



UPMA010039232025

CRIMINAL REVISION NO. 243 of 2025

- 1. Chandrakala alias Chanda** aged about 26 years wife of Deepak Singh
- 2. Shimpi** aged about 24 years daughter of Ravindra Singh
- 3. Abhijeet** aged about 22 years son of Ravindra Singh

All R/o- Rampur, P.S.- Ghosi, Distt. Mau.

- 4. Munna** aged about 32 years son of Harshvardhan

- 5. Pinki** aged about 30 years wife of Munna

All R/o- Bhadeed, P.S.- Mohamdabad, Distt. Mau.

.....**Revisionists**

Versus

- 1. State of Uttar Pradesh**

- 2. Devprakash Singh** aged about 40 years Son of Tripurari

R/o- Rampur, P.S. Ghosi, Distt. Mau

.....**Opposite Parties**

JUDGMENT

1. The present Criminal Revision has been preferred by the revisionists being aggrieved by the order dated 04.07.2025 passed by the learned Judicial Magistrate, Mau, in Complaint Case No. 17817 of 2022 (Devprakash Singh Vs. Ravindra Singh and Ors.), whereby the revisionist Pinki was summoned under Sections 323, 325, 452, 504 IPC and Lalmuni, Chandrakala alias Chanda, Simpi, Abhijeet and Munna were summoned under Sections 147, 323, 452, 504 IPC for trial.

2. In brief, the facts on the basis of which the present Criminal Revision has been filed are that OP No. 2 Devprakash Singh has filed a complaint case stating therein that a civil case was filed between the complainant and Ravindra which was decided ex-parte on 09.12.2021 in which, the defendants were restrained to obstruct the possession of complainant in the disputed land. After the judgment, the complainant has constructed a boundary wall around his Sahan land. On 04.08.2022 at about 09.30 AM when the labors of the complainant were digging the base for installing a gate, the revisionists were gathered there with arms. When the complainant ran into his house, they too entered into his house and beat the complainant as well as his brother, mother, son and wife. In this incident, the brother of complainant sustained injuries caused by axe of the accused Pinki. The

complainant presented an application in local police station but no action was taken.

3. The learned Court below found that from the oral and documentary evidence, prima-facie offence against the accused persons is made out.

4. The present Criminal Revision has been filed against the aforesaid impugned order primarily on the ground that learned Magistrate has passed the impugned order without giving opportunity of hearing to the revisionists. The learned Court has not issued the notice to the revisionists. In the impugned order, it is mentioned that the counsel for the complainant is appeared while it is nowhere mentioned that the counsel for proposed accused is appeared. In Criminal Revision No. 116 of 2023, the revisional Court has directed vide order dated 05.12.2024 that the opportunity to both the parties for hearing be granted but the learned lower Court has not complied with the direction of revisional Court. On the date of impugned order, the accused Lalmuni was not present. Lalmuni was died on 24.04.2023 while the impugned order was passed on 04.07.2025. No summoning order can be passed against any deceased person. On the date of passing the impugned order, when the accused Lalmuni was not alive than it is not possible that Lalmuni was heard. The learned Magistrate has not perused the statements of the witnesses. No medical evidences of Vedprakash and Golu are available on record. The second eye witness Girish Singh has not been examined before the Court. As per statement of PW-1, the offence under Section 325 IPC is made out against the accused Abhijeet while the learned Court has summoned the accused Pinki under Section 325 IPC. No medical evidence of Satyaprakash is available on record while he is stated to be sustained injuries of axe.

5. With the aforesaid submissions, it has been prayed that the Criminal Revision of the revisionist be allowed and the impugned order dated 04.07.2025 passed by the learned Magistrate be set aside.

6. Opposite Party No. 2 has filed his objection paper No. 18Kha against the aforesaid grounds stating that there is no error in the impugned order. The impugned order was passed after hearing both the parties. The present revision is baseless and deserves to be dismissed.

7. During arguments, the learned A.D.G.C (Criminal) submitted that the impugned order dated 04.07.2025 passed by the Court is legal and valid and no error has been committed by the learned Magistrate. In such circumstances, the present Criminal Revision deserves to be dismissed.

8. The learned counsel for both parties as well as the learned A.D.G.C. (Criminal) for the State have been heard. The record has been perused along with all relevant documents.

9. On perusal of the record, it transpires that the impugned order shows that the learned counsel for the complainant was appeared. It also transpires that both parties

were heard. However, impugned order does not show that the counsel for OP were appeared or not. The revisionist has strongly opposed that they have not been heard while in a prior criminal revision, the revisional Court has directed to the lower Court that let the opportunity for hearing to both the parties be given. From the perusal of impugned order, it transpires that in para 4 of the said order, it is mentioned that the file has been perused in the light of contentions made by the counsel for the complainant. In the impugned order, it is nowhere mention the contentions or objections of OPs/accused persons. Hence, it seems that the OPs have not been heard. Its established principle of the justice that efforts should be towards disposal on merit. As the accused persons/revisionists have not been heard and they were required to be heard in the interest of justice and to meet the ends of justice. In spite of that, the revisionists have further stated that summoned accused Lalmuni was died before passing of impugned order. It is evident that no any criminal proceedings can be initiated or proceeded against a dead person.

10. In the backdrop of above discussion and the fact and circumstances of the case, I find that the learned Magistrate has committed material error of fact while passing the impugned order. Hence the matter needs to be heard afresh in order to ensure disposal on merit and in the interest of justice. Hence, the impugned order deserves to be set aside and this criminal revision is liable to be allowed.

ORDER

The Criminal Revision No. 243 of 2025 is **allowed**. The impugned order dated 04.07.2025 passed by the learned Judicial Magistrate, Mau, in Complaint Case No. 17817 of 2022 (Devprakash Singh Vs. Ravindra Singh and Ors.) is hereby, set aside. The learned Magistrate is directed to pass afresh order on the basis of observation made in the judgment and after affording opportunity for hearing to the revisionists/accused persons. Parties are directed to present before the concerned lower Court on 22.07.2026.

Let a copy of this judgment be sent to the Court below along with record and record of this revision be consigned according to rules.

Dated: 17.06.2026

Judgment Dated, signed and pronounced by me in the open Court today.

[Baquar Shamim Rizvi]

Addl. Sessions Judge

Court No. 1, Mau

Dated: 17.06.2026

[Baquar Shamim Rizvi]

Addl. Sessions Judge

Court No. 1, Mau