

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

Present : Baquar Shamim Rizvi (Higher Judicial Service)

Judicial Officer Code No. UP6398



UPMA010002402021

Criminal Revision No. 15 of 2021

1. **Sannu Devi** wife of Santosh Chaursiya,
R/o Baraipur, PS- Dohrighat, Distt. Mau.

--Revisionists

Versus

1. **State of U.P.**
2. **Bina Devi** wife of Bashisth Chaursiya,
3. **Anshika** daughter of Pratap,
4. **Mantorni** daughter Pratap,
5. **Jitendra** son of Chanbali,
6. **Suresh** son of Ganesh,
R/o Chakuth, PS Madhuban, Distt. Mau.

--Opposite Parties

JUDGMENT

1. Present criminal revision application has been preferred against the impugned order dated 07.05.2019 passed by the Additional Chief Judicial Magistrate/ Civil Judge (Senior Division) F.T.C., Mau in Summons Case No. 1477 of 2019, titled as 'Sannu versus Bina and Ors.'. By the impugned order, the learned Magistrate summoned the Opposite Parties for trial under Sections 323,504,506 IPC.
2. Case called out repeatedly. On repeated calls, neither the learned counsel for the revisionist, nor revisionist is present to press the revision. From the perusal of order sheet, it appears that from past few fixed dates, neither the revisionists, nor their counsel was present to press the revision.
3. Heard the learned Additional District Government Counsel (Crl.) and perused the record.
4. The learned Additional District Government Counsel (Crl.) submits that there is no illegality or irregularity in passing the impugned order, as sufficient grounds exists to summon the opposite parties under Sections 323,504,506 IPC. He prayed for dismissal of revision.
5. In the case of **Amit Kapoor Vs. Ramesh Chander,(2012) 9 SCC 460(paras 12,13,18 & 20)**, Hon'ble Supreme Court has held as to when revisioinal jurisdiction U/s. 397 Cr.P.C. can be invoked, like where the decisions under challenge are grossly erroneous or there is no compliance with the provisions of law or the finding recorded is based on no evidence or material evidence is ignored or judicial discretion is exercised arbitrarily or perversely etc. It has

also been held that revisional jurisdiction of the higher Court is a very limited one and can not be exercised in a routine manner.

6. In the case of **State Farm Corpn. of India Ltd. vs. Nijjar Agro Foods Ltd. (2005)12 SCC 502**, it has also been held by Hon'ble Apex Court that- a revisional Court has no jurisdiction to set aside the findings of facts recorded by the Magistrate and impose and substitute its own findings. Section 397 to 401 of Cr.P.C. confer only limited power on revisional Court to the extent of satisfying the legality, propriety or regularity of the proceedings or orders of the lower Court and not to act like appellate court for other purposes including the recording of new findings of fact on fresh appraisal of evidence.
7. The learned Magistrate, on the basis of statement of complainant recorded under Section 200 Cr.PC and the statements of witnesses under Section 202 Cr.PC, found sufficient grounds to summon the accused/opposite parties under Sections 323,504,506 IPC for trial. The present criminal revision was filed by the revisionist against the impugned summoning order stating therein that the learned lower Court has not perused the records available in the file. He further stated that the lower Court has not summoned the accused under appropriate Sections as per the statement given by him under Section 200 Cr.P.C. and his witnesses under Section 202 Cr.P.C. The revisionist is not present to press his criminal revision and to support the contentions mentioned therein. Several opportunities were given to the revisionist for hearing but neither the revisionist nor his counsel was present to press this criminal revision.
8. In the backdrop of above discussion and the principles laid down by Hon'ble Supreme Court in above case laws, this Court finds that the grounds for revision given by the revisionist have no force. The learned Court below has not committed any illegality, impropriety or irregularity in passing the impugned order. Therefore, criminal revision is liable to be dismissed.

ORDER

The present criminal revision is **dismissed**. Impugned order dated 07.05.2019 passed by the Additional Chief Judicial Magistrate/ Civil Judge (Senior Division) F.T.C., Mau in Summons Case No. 1477 of 2019, titled as 'Sannu versus Bina and Ors' is, hereby, upheld and affirmed. Let a copy of this judgment be sent to the Court concerned.

Let the records of this Criminal Revision be consigned as per the rules.

Dated: 04.06.2026

[Baquar Shamim Rizvi]

Addl. Sessions Judge
Court No. 1, Mau

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

Dated: 04.06.2026

[Baquar Shamim Rizvi]

Addl. Sessions Judge
Court No. 1, Mau