

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

Present : Baquar Shamim Rizvi (Higher Judicial Service)

Judicial Officer Code No. UP6398



UPMA010063362024

CRIMINAL REVISION NO. 394 of 2024

Ranu Kumar aged about 25 years Son of Chotak

R/o- Patti, P.S.- Mohamdabad, Distt. Mau.

.....**Revisionist**

Versus

1. State of Uttar Pradesh

2. Anil Kumar aged about 34 years Son of Lakshiram

3. Rahul Kumar aged about 30 years Son of Lakshman

4. Sandeep aged about 28 years Son of Jai Prakash

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

5. Pradeep aged about 35 years Son of Shankar

R/o- Galibpur, P.S.- Mohamdabad, Distt. Mau.

.....**Opposite Parties**

JUDGMENT

1. The present Criminal Revision has been preferred by the revisionist Ranu Kumar being aggrieved by the order dated 18.10.2024 passed by the learned Civil Judge (Junior Division)/Judicial Magistrate, Court No. 1, Mau, in Complaint Case No. 34520 of 2023 (Ranu Kumar vs. Anil Kumar & Ors.), whereby the complaint case of the revisionist was dismissed under Section 203 of the Code of Criminal Procedure.

2. In brief, the facts on the basis of which the present Criminal Revision has been filed are that the revisionist/complainant Ranu Kumar, filed an application under Section 156(3) Cr.P.C. before the learned Court below with the averment that on 01.06.2023 at about 11.00 PM, the revisionist went to Baijapur for the marriage of his cousin. He was returning from there by Motorcycle and when he reached Puraghat bridge, opposite parties, who were already present there, started abusing and beating him. They threatened to kill him and they also snatched away the Rs. 2,000/- and mobile phone of the revisionist. The revisionist presented an application to the local police station but no action was taken.

3. The learned Court below, vide order dated 16.12.2023, directed the application under Section 156(3) Cr.P.C. to be registered as a complaint. Thereafter, the statement of the complainant under Section 200 Cr.P.C. and the statements of

witnesses Sitaram, Mahendra and Meeta under Section 202 Cr.P.C. were recorded. Finding no prima facie case, the learned Magistrate, vide impugned order dated 18.10.2024, dismissed the complaint of the complainant under Section 203 Cr.P.C.

4. The present Criminal Revision has been filed against the aforesaid impugned order dated 18.10.2024 primarily on the ground that the learned Court below has passed the order dated 18.10.2024 which is contrary to law. It is contended that the impugned order was passed in a mechanical manner. The evidence available on record is sufficient to support the incident and on the basis of such evidence, prima-facie offence is made out.

5. With the aforesaid submissions, it has been prayed that the Criminal Revision of the revisionist be allowed and the impugned order dated 18.10.2024 passed by the learned Judicial Magistrate be set aside.

6. No objection has been filed on behalf of Opposite Party Nos. 2 to 5 against the aforesaid grounds.

7. During arguments, the learned A.D.G.C (Criminal) submitted that the impugned order dated 18.10.2024 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 the revisionist 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.

8. On perusal of the record, it transpires that as per the averments in the complaint/application under Section 156(3) Cr.P.C., when the revisionist was returning from marriage, on the way the opposite parties Nos. 2 to 5 started beating him and snatched away his mobile phone and Rs. 2,000/-. The witnesses of the revisionist has stated in their statement under Section 202 Cr.P.C. that when they were returning from marriage, they saw the incident. However, in the application under Section 156(3) Cr.P.C. the revisionist has nowhere stated that the witnesses Sitaram, Mahendra and Meeta were also present at the time and place of incident. The revisionist has stated that the opposite parties have beaten him. It is evident that the opposite parties are total four in numbers. When four persons beat single person then it is natural that the single person will suffer injuries on his body. The revisionist has not stated about any of his injuries nor any injury report was submitted by him to support his averments.

9. As regards the question of taking cognizance of an offence and summoning the accused by a Magistrate on finding a prima facie criminal case in a complaint, it is apposite to refer to the following settled legal propositions of Hon'ble Allahabad High Court:

10. In **Pragati Devi vs. State of U.P. & Ors., Criminal Revision No. 2777 of 2016, decided on 04.11.2016** by the Hon'ble Allahabad High Court, it has been held as under:

“It is a fact that at the time of passing order on point of cognizance and summoning, the Magistrate is expected to consider as to whether prima-facie evidence for summoning the accused are available or not. But this consideration has to be after application of judicial mind and not blindly. Magistrate is not expected only to read the words uttered by witnesses under sections 200 or 202 Cr.P.C. but he also is required to use its judicial mind before passing any order and not to act like a silent spectators of the words uttered by the witnesses, who were not going to be cross-examined at the stage of evidences under Chapter XV Cr.PC.”

11. In the impugned order dated 18.10.2024, the learned Magistrate has concluded that the application was filed by the revisionist with intention to pressurize the opposite parties for old enmity. It is also necessary to mention that the scope of Revisional Court is very limited. In this regard, in **Amit Kapoor vs. Ramesh Chander (2012) 9 SCC 460 (paras 12, 13, 18 & 20)**, the Hon'ble Supreme Court has held as under:

“When revisional 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.”

12. In **State Farm Corpn. of India Ltd. vs. Nijjer Agro Foods Ltd. (2005) 12 SCC 502**, the Hon'ble Supreme Court has held as under:

“A revisional Court has no jurisdiction to set aside the findings of facts recorded by the Magistrate and impose and substitute it's 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.”

13. The learned Court below, vide impugned order dated 18.10.2024, has dismissed the complaint of the revisionist under Section 203 Cr.P.C. In such circumstances, no legal infirmity is apparent in the said order which warrants its interference.

14. In view of the aforesaid discussion, facts and circumstances of the case and in the light of the aforesaid judgments of the Hon'ble Supreme Court and the Hon'ble High Court, it is held that no jurisdictional error, irregularity or illegality has been committed by the learned Court below in passing the impugned order. Accordingly, the Criminal Revision filed by the revisionist against the decision of the learned Court below is baseless and deserves to be dismissed.

ORDER

In view of the aforesaid considerations, the present Criminal Revision is hereby **dismissed**. The impugned order dated 18.10.2024 passed by the learned Civil Judge (Junior Division)/Judicial Magistrate, Court No. 1, Mau, in Complaint Case No. 34520 of 2023 (Ranu Kumar vs. Anil Kumar & Ors.) is upheld.

The records be consigned as per rules.

Dated: 06.06.2026

[Baquar Shamim Rizvi]

Addl. Sessions Judge

Court No. 1, Mau

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

Dated: 06.06.2026

[Baquar Shamim Rizvi]

Addl. Sessions Judge

Court No. 1, Mau