

Court No. - 73

Case :- APPLICATION U/S 482 No. - 28045 of 2024

Applicant :- Abdul Zabbar

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Prabha Upadhyay, R P Rajan

Counsel for Opposite Party :- G.A.

Hon'ble Raj Beer Singh, J.

Heard learned counsel for the applicant and learned AGA for the State.

It has been argued by learned counsel for the applicant that applicant is father-in-law of opposite party No. 2/complainant and that allegations levelled against the applicant, are wholly false. In her statement, under Section 200 Cr.P.C., the complainant has alleged that on 22.09.2013 applicant, who is father-in-law of complainant, came near her and said that four years have been passed after her marriage but she has no child and if she establishes relations with him, she would be blessed with a child and caught her hand and did 'jabardasti' with her. Applicant was summoned under Section 354-A IPC. After evidence under Section 244 Cr.P.C., the opposite party No. 2 has moved an application under Section 216 Cr.P.C. for addition of charge under Section 376/511 IPC, which was rejected by the learned trial court vide order dated 22.12.2021. It was submitted that the opposite party No. 2 has preferred a criminal revision against the order dated 22.12.2021, which was allowed by learned Additional District & Sessions Judge, Court No. 8, Ghaziabad vide order impugned dated 07.10.2022 and in pursuance of that order, the trial court has passed order dated 17.10.2023, summoning the applicant under Section 376/511, 354-B IPC. It was further submitted that the order passed by learned revisional court is wholly illegal and perverse and thus, not sustainable.

Matter requires consideration.

Issue notice to opposite party no. 2, returnable at an early date.
Steps be taken within a week.

Opposite party no. 2 may file counter affidavit within four weeks.

List on 28.03.2025 within top twenty cases.

It is directed that till the next date of listing, the further proceedings of complaint case no. 248 of 2014, under Section 376/511, 354-B IPC, pending in the court of A.C.J.M., Court No. 1st, Ghaizabad shall remain stayed.

Order Date :- 19.2.2025

Anand