
(2009) 08 AHC CK 0165

In the Allahabad High Court

Case No : Criminal Miscellaneous Case No. 724 of 2009

Meera @ Jayanti Devi

APPELLANT

Vs

State of U.P. and another

RESPONDENT

Date of Decision : 24-08-2009

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 319, 482
Penal Code, 1860 (IPC) — Section 147, 148, 149, 307, 323

Citation : (2011) 6 RCR(Criminal) 928

Hon'ble Judges : Virendra Kumar Dixit, J

Final Decision : Disposed Of

Judgement

V.K. Dixit, J.

1. Heard learned Counsel for the applicant and learned A.G.A. for O.P. No. 1.

Issuance of notice to O.P. No. 2 is dispensed with.

By the instant petition, the petitioner has prayed for quashing the impugned summoning order dated 29.1.2009 passed by learned Additional Sessions Judge/ Fast Track Court, Court No. 1, Gonda under section 319 Cr.P.C., the petitioner is summoned under sections 147, 148, 149, 307, 323, 504, 506 and 324, I.P.C. in Sessions Trial No. 186/2004.

2. Learned Counsel for the applicant submits that the alleged occurrence took place on 16.6.1999. The chargesheet was submitted on 18.4.2001 and the complainant moved an application under section 319 Cr.P.C. on 20.11.2008 after lapse of 8 years to summon the applicant. That the applicant is summoned merely on the basis of chief examination of P.W. 1, Paras Nath, hence the summoning order is illegal and arbitrary. He further submitted that the applicant, Smt. Meera alias Jayanti Devi had given birth to her child on 16.6.1999 and at the time of alleged occurrence on 19.6.1999, the applicant was under medical treatment of A.N.M. Krishnawati. Hence prima facie the participation of applicant in the occurrence was impossible.

However, learned A.G.A. remitted the arguments advanced by learned Counsel for the applicant.

3. From the perusal of the record, it appears that prima facie offence is made out against the petitioner. Therefore, there is no illegality and irregularity in the impugned summoning order. No interference is required under section 482, Cr.P.C. Accordingly, the prayer for setting aside the impugned summoning order dated 29.1.2009 passed in S.T. No. 186/2004 (State v. Durga Prasad and others) pending before Additional Sessions Judge/Fast Track Court, Court No. 1, District Gonda is rejected.

4. However, considering the facts and circumstances of the case, perusing the record, the nature of the allegation, arguments advanced by the learned Counsel of the parties, it is directed that if the applicant appears and moves bail application before the Court concerned within a period of three weeks from today, the same shall be considered and disposed off expeditiously, if possible on the same day, after giving opportunity to public prosecutor, in accordance with law and for three weeks from today, no coercive steps shall be taken against the applicant.

With these observations, the petition is finally disposed off.