



HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 4710 of 2024

Santreepa Devi

.....Revisionist(s)

Versus

State Of Up And 06 Others

.....Opposite
Party(s)

Counsel for Revisionist(s)	:	Rajiv Chowdhury
Counsel for Opposite Party(s)	:	G.A.

Court No. - 93

HON'BLE HARVIR SINGH, J.

1. List has been revised.
2. None is present on behalf of the opposite party nos. 2 to 7, however, learned counsel for the revisionist and the learned A.G.A. for the State are present.
3. Heard learned counsel for the revisionist, learned A.G.A. for the State and perused the record.
4. The present revision has been filed against the order dated 7.8.2024 passed by Special Judge (SC/ST) Act, Varanasi in Criminal Misc. Case No. 400 of 2023 (Santreepa Devi vs. Deekshant Singh and others), by which the complaint of the revisionist has been dismissed under Section 203 Cr.P.C. on the ground that there was no cogent evidence against the opposite party nos. 2 to 7.
5. Learned counsel for the revisionist has submitted that the order passed by the Special Judge SC/ST Act, Varansi is wholly illegal and arbitrary and the same is liable to be set aside, as the learned Special Judge SC/ST Act, Varansi did not consider the statement of complainant recorded under Section 200 Cr.P.C., as well as the statements of other two witnesses, i.e. PW-1 and PW-2 recorded under Section 202 Cr.P.C. He next submitted that some altercation took place between the parties, wherein the revisionist has been assaulted. The medical report, which is available on record suggests that some injuries have been caused to the revisionist, though all the injuries are simple in nature. He next submitted that the opposite party no. 2 has snatched away the *Mangalsutra* of the revisionist on the gunpoint, as he was having a country made pistol (*tamancha*) with him and therefore, the opposite parties would have been summoned by the learned Special Judge

SC/ST Act under the relevant sections, but for not doing so the learned trial Court has committed the illegality. He also submitted that the complainant's evidence in its entirety was complete, which may lead to some conclusion that in fact the incident took place, but the learned Special Judge SC/ST Act has dismissed the complaint without appreciating the entire evidence, which was available, besides averments made in the complaint.

7. On the other hand, learned A.G.A. has submitted that the order passed by the learned Special Judge SC/ST Act is perfectly valid and in accordance with law and the same has been passed after considering the evidence adduced by the complainant and two other witnesses. He further submitted that the complainant in her statement recorded under Section 200 Cr.PC. has averred that some altercation took place and assault was made on her. Her mangalsutra was also snatched away by the opposite party no. 2, but it has not been fully supported by other two witnesses. He further submitted that mere allegations made in the complaint are not sufficient to summon the accused, unless and until there is concrete and valuable evidence available on record. He further submitted that the order passed by the learned Special Judge SC/ST Act is perfectly valid and in accordance with law and by due assessment of the statement of complainant as well as PW-1 and PW-2, the order has been passed and the present revision is liable to be dismissed.

8. Having regard to the submissions made on behalf of the revisionist and learned A.G.A. for the State and from the perusal of the record, it appears that three witnesses have been examined primarily, i.e. the complainant herself and two other witnesses, whereas the fact remains that the statements of three witnesses lack coherence and continuity to make out prima facie case against the opposite party no.2. The other witnesses did not support the statement of PW1 namely, the revisionist herself and therefore, mere allegations made against the person are not sufficient, unless other cogent material is available on record. Moreover, the medical report referred in the revision suggests, that all the injuries are simple in nature, but it has not come on record that they have been caused by which weapon is not known and the allegations of assault have just been made against the opposite party no. 2 and there is no material on record to show that the order passed by the learned Special Judge SC/ST Act is illegal and arbitrary.

9. After having heard learned counsel for the parties and perused the impugned order, as well as the other material brought on record, this Court finds that no infirmity with the impugned order and no interference is required by this Court.

10. The instant revision is devoid of merits and accordingly dismissed.

11. However, from the perusal of the complaint, the impugned order and the statements of the witnesses, it has come on record and a matter of fact that abusive language and literal words (not repeated) have been used in the order passed by learned Special Judge SC/ST Act, Varanasi, as well as in the statement of PW-1 recorded on 30.04.2024. The literal abusive words and abusive language (not to be mentioned in this order) have been used in the evidence recorded during trial, in the statement of PW1. However, the Hon'ble Apex Court, as well as this Court from time to time had directed that decent and normal language should be used, while passing the judicial order or in recording the statements of witnesses, but it appears that the Special Judge SC/ST Act did not pay any attention on the guidelines issued by the Hon'ble Apex Court, as well as this Court while getting the statement of PW-1 recorded or passing the order dated 07.08.2024 in question. The recording of filthy languages and abusive words in the pleadings are unwarranted and inappropriate, hence it is directed that not only the individual officer but all judicial officers of the state judiciary, shall take due precautions, avoiding the uses of such abusive or filthy language and words, those have been used in the order in question and the statement of PW-1 recorded on 30.04.2024. The decorum and dignity of the post be appeared to have been reflected in the language used in the judicial orders.

11. Needless to say, let a copy of this order be circulated amongst all judicial officers of the District Courts of State of U.P. to comply with for being careful in future and avoid the usage of such language and further take appropriate precautionary measures, while discharging their duties. This order is being passed in positivities of things and not to be construed in negativity.

12. Let a copy of this order be given to Registrar (Compliance) for necessary compliance.

September 10, 2025
Faridul

(Harvir Singh,J.)