

IN THE COURT OF JUDICIAL MAGISTRATE,

KHAGA, FATEHPUR

Mahavir v Kallu (Complaint No. 01/18)

16.7.2019

Called out. Complainant Ld Counsel present. File is fixed for summoning order. On previous date arguments for summoning has been heard.

Perused the file, statements of complainant and witnesses. Complainant in its statement under section 200Crpc has stated that on 20.11.17 while he was irrigating his field then Kallu , Bacchilal, and Mewalal came at around 11 am and started abusing him and beaten him. Further they have taken away 2000 Rs. kept in the pocket of his son Rajkumar. Also they threatened to kill him. PW-1 Rajkumar and PW-2 Rajendra were presented before this court for 202 CrPC and they have also supported the complainant version.

Perused the complainant and its witnesses statement. In case of **Pepsi Food Ltd. v SJM (1998) 5 SCC 749**, Honble Supreme Court has cautioned that "*summoning of accused in a criminal case is serious matter. The order of Magistrate summoning the accused must reflect that he has applied his mind to facts of case*". After carefully perusing the statements of complainant and witnesses, prima facie, it appears to this court that as all proposed accused namely Kallu, Bacchilal, and Mewalal has beaten, abused and threatened to kill the complainant and fled away with 2000 Rs, hence prima facie accused, Kallu, Bacchilal, and Mewalal are liable to be summoned as accused.

Order

Accused Kallu, Bacchilal, and Mewalal are summoned for trial u/s 379/34 IPC, 504/34, 323/34 and 506/34 IPC. Issue summons against accused fixing 21.8.2019 for appearance of accused. Complainant is directed to take steps within a week after filing list of witnesses.

**Judicial Magistrate
Khaga, Fatehpur**