



2026:AHC:180401

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 4696 of 2026

Uma Kant Maurya

.....Revisionist(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Revisionist(s) : Anju Shukla, Kunvar Saurabh Singh,
Shailesh Pandey

Counsel for Opposite Party(s) : G.A.

Court No. - 88

HON'BLE SANJIV KUMAR, J.

1. List revised.

2. Supplementary affidavit filed by learned Counsel for the revisionist, today in Court, is taken on record.

3. Heard Shri Shailesh Pandey, learned Counsel for the revisionist and Shri Rajiv Pandey, learned A.G.A. on behalf of the State.

4. This criminal revision has been filed against the impugned order dated 16.06.2026 passed by Civil Judge J.D./ F.T.C. (Offence against the women) in Case No.2806 of 2016 (State Vs. Suraj and Others) arising out of Case Crime No.727 of 2016, under Sections- 147, 323 and 506 I.P.C., Police Station- Kotwali Dehat, District- Mirzapur.

5. By the impugned order the trial court has rejected the discharge application of the revisionist.

6. It is submitted by learned Counsel for the revisionist that there was no evidence against the revisionist regarding his involvement in the said crime and the learned trial court has committed material irregularity and illegality in passing the impugned order. It is also submitted that the victim in her statement under Section 161 Cr.P.C. has not uttered a single word against the revisionist regarding his involvement in the said offence and it is further submitted that both the victim and informant are leveling false allegation except for that there is no evidence against the revisionist. Similarly, the victim in her statement under Section 164 Cr.P.C. has not uttered a single word against the revisionist. The first informant has also narrated the same facts. Therefore, from the evidence collected by the I.O. there was no ground

to frame charge against the revisionist.

7. It is next submitted that earlier the revisionist had filed a discharge application while mentioning wrong section 354-A I.P.C. in which he was not charge-sheeted and the earlier discharge application was rejected by the trial court on 19.03.2026. Thereafter, the revisionist has filed second discharge application under proper sections which has been rejected by the impugned order of the learned trial court.

8. Learned A.G.A. on behalf of the State could not rebut the sufficiency of evidence against the revisionist, but he has raised a legal objection that the second discharge application was not maintainable as the first discharge application was dismissed on merits. In view of the above, this revision has no force and is liable to be dismissed.

9. In view of the submissions of learned Counsel for both the parties, the material question is whether this criminal revision is maintainable in view of submissions of learned A.G.A. or not. There is no denial of fact that earlier the revisionist had filed discharge application which was rejected on merit by the learned trial court on 19.03.2026. Thereafter, the revisionist has filed second discharge application which has also been rejected by the impugned order.

10. The contention on behalf of the revisionist is that as the earlier discharge application was moved under wrong section by adding Section 354-A I.P.C., whereas the revisionist was not summoned in the aforesaid section, therefore, the second discharge application was maintainable. I do not agree with the submissions on behalf of the revisionist, mere mentioning a wrong section in the heading of the application for discharge, does not entitle the revisionist to file another application on same grounds unless prejudice is caused to him.

11. In the present case, it is not in dispute that in earlier application the revisionist had not raised any ground with regard to offence under Section 354-A I.P.C. and the order dated 19.03.2026 of the learned trial court, shows that the learned trial court had also not considered Section 354-A I.P.C., while rejecting his first discharge application. It is also not in dispute that on the same ground the second discharge application has been moved which has been rejected by the impugned order.

12. Therefore, on being first discharge application decided on merits, the second discharge application on the same grounds was not maintainable. In view thereof, the trial court has not committed any irregularity and illegality in rejecting the same, therefore, there is no infirmity or illegality in the impugned order and it does not suffer from any perversity warranting any interference of this Court.

13. Therefore, this Criminal Revision has no force and is, accordingly, **dismissed.**

August 31, 2026
AdityaG

(Sanjiv Kumar,J.)