



2026:AHC:176750

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 5516 of 2025

Vijay Singh Ex Lekhpal

.....Revisionist(s)

Versus

State Of U.P. And 2 Others

.....Opposite
Party(s)

Counsel for Revisionist(s)	:	Brijesh Kumar Srivastava
Counsel for Opposite Party(s)	:	G.A., Vishvendra Singh

Court No. - 92

HON'BLE MRS. VANI RANJAN AGRAWAL, J.

1. Heard Sri Rajendra Kumar Srivastava, learned counsel holding brief of Sri Brijesh Kumar Srivastava, learned counsel for the revisionist; Sri Vishvendra Singh, learned counsel for the opposite party and Sri Rahul Asthana, learned A.G.A. for the State respondent.

2. The present criminal revision has been preferred by the revisionist Vijay Singh (Ex-Lekhpal) against the judgment and order dated 11.6.2025 passed by learned Special Judge N.D.P.S. Act/Additional District and Sessions Judge, Court No.-9, Agra, whereby the judgement and order dated 6.2.2025 passed in Criminal Case No.289 of 2007 (State vs. Ajay and others) arising out of Case crime No.53 of 2006 under Sections 332, 353, 427, 323, 504 and 506 I.P.C, Police Station Mansukhpura, District Agra was confirmed.

3. By the judgment dated 6.2.2025, the learned trial Court on the basis of the plea of guilt made by the accused Ajay Kumar and Mohan Prakash, convicted them for the offences under the aforesaid sections and awarded the amount of fine totaling Rs.3,400/-. It was further directed that in case of default in payment of fine, the accused shall undergo Simple Imprisonment of five months.

4. Learned counsel for the revisionist submits that the first information report was lodged in respect of an incident which took place on 15.10.2006 at about 1:00 P.M., and the first information report was registered on the same date at 2:30 P.M. as Case crime No.53 of 2006 at Police Station Mansukhpura, District Agra. After investigation of the case, a charge sheet was submitted, upon which cognizance was taken by the competent Court.

5. It is further submitted that the revisionist/complainant had moved an

application under Section 311 Cr.P.C. before the learned trial Court, seeking an opportunity to adduce evidence, as the opportunity to lead evidence had already been closed and the matter had been placed at the stage of recording of the statement under Section 313 Cr.P.C. The said application was still pending consideration, and no order had been passed thereon.

6. In the meantime, Opposite Party Nos. 2 and 3 moved an application seeking permission to plead guilty. The said application was allowed by the learned trial Court, and, on the basis of the alleged confession, the accused were convicted and sentenced only to payment of fine under the provisions of aforesaid Sections.

7. According to the revisionist, the trial Court proceeded to decide the case without adjudicating the application filed under Section 311 Cr.P.C., dated 16.01.2025 moved by the complainant for opportunity to lead evidence.

8. It is submitted that the order passed by the learned Magistrate is arbitrary and based on non- application of mind. Learned trial Court failed to appreciate the circumstances of the case and proceeded to dispose of the case on the basis of the alleged plea of guilt without considering the rights of the complainant and material available on record.

9. It is further submitted that the judgements and orders dated 6.2.2025 and 11.06.2025 are against the weight of evidence and material available on record and have been passed on the basis of conjunctures and surmises.

10. Learned Appellate Court also failed to properly appreciate the grievance raised by the revisionist/appellant regarding the pendency of his application dated 16.01.2025 and the proceedings had been concluded.

11. It is therefore, submitted that in the facts and circumstances of the case, the judgement and order dated 06.02.2025 passed by the Learned trial Court as well as judgment and order dated 11.06.2025 passed by the learned Appellate Court are unsustainable in the eyes of law and are liable to be set aside.

12. The prosecution case in brief is that the revisionist/complaint is an Ex-Lekhpal and as per the prosecution version on 15.10.2006, he was deputed at village Kurkiyanpura Mazara of Gram Panchyat Reha along with the photographer Shiv Ram Singh for taking photographs for the purpose of preparation of photo identity cards in accordance with the directions issued by the District Magistrate and Election Commission. During the course of photography, the accused Ajay Kumar S/o Chottey Lal and Mohan Prakash

Sharma came there and objected to the photography. When the complainant informed them that the photographs are being taken pursuant to the direction of the District Magistrate and the Election Commission, they stated that no photography would be permitted in their village. Thereafter, they abused the complainant, and assaulted him and obstructed him in the discharge of his official duty. On the basis of the aforesaid, the criminal case was registered.

13. The principle submission advanced by the learned counsel for the revisionist is that the conviction could have been recorded merely on the basis of plea of guilt, particularly when the complainant had sought an opportunity to lead evidence and the application under Section 311 Cr.P.C. was pending. He would have been afforded with an effective opportunity to adduce evidence but his application was not properly considered before the matter was decided.

14. Having considered the submissions made and upon perusal of the record, this Court is of the opinion that the aforesaid grievance does not cause any prejudice to the revisionist in the facts and circumstances of the present case. Even assuming that the complainant/revisionist had not been afforded an opportunity to adduce evidence and had not produced the same in support of the prosecution case, the ultimate consequence, in view of the admitted facts and circumstances of the case, would have been the conviction of the accused. Consequently, no prejudice or miscarriage of justice can be said to have been caused to the revisionist merely because he was not permitted to lead evidence, when the very result which he seeks to achieve through the production of evidence, namely, the conviction of the accused, had already been achieved by the learned Court below on the basis of the confessional statement of the accused.

15. The next grievance relates to the quantum and nature of the sentence awarded to the accused. In this regard also, no illegality or infirmity is found in the order passed by the learned trial Court. The learned trial Court has exercised its judicial discretion in awarding a sentence of fine instead of substantive imprisonment. The relevant penal provisions permit the Court, within the limits prescribed by law, to impose a sentence of fine or substantive imprisonment, or both, as the case may be.

16. The exercise of discretion by the sentencing Court, in the facts and circumstances of the present case, cannot be said to be arbitrary, perverse, or contrary to law. No material has been placed before this Court to demonstrate that the sentence imposed is either disproportionate or contrary to the statutory scheme.

17. It is well settled that, in exercise of revisional jurisdiction, this Court cannot interfere merely because a different view or sentence is possible. Interference is warranted only when the impugned order suffers from patent material irregularity, failure to exercise jurisdiction, or exercise of jurisdiction in an arbitrary manner. No such infirmity is discernible in the present case.

18. Thus, upon a careful consideration of arguments advanced by the parties, this court finds no error of law, facts or jurisdiction in the impugned order warranting interference in the exercise of revisional jurisdiction.

19. Accordingly, the present revision lacks merits and is **dismissed**.

August 19, 2026

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(Mrs. Vani Ranjan Agrawal,J.)