



2026:AHC:29960-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**CRIMINAL APPEAL U/S 413 BNSS No. - 81 of 2026**

Ravindra Singh

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

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|---------------------------|---|----------------|
| Counsel for Appellant(s)  | : | Subedar Mishra |
| Counsel for Respondent(s) | : | G.A.           |

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**Court No. - 43**

**HON'BLE SALIL KUMAR RAI, J.  
HON'BLE DR. AJAY KUMAR-II, J.**

The present appeal has been filed against the judgment and order dated 27.11.2025 passed by the Additional Session Judge, Court No. 1 Shahjahanpur acquitting the accused-respondent in Session Trial No. 1150 of 2020 (State of U.P. vs. Rakesh Singh) arising out of Case Crime No. 188 of 2020 registered under Sections 304, 201 IPC, Police Station Khudaganj, District Shahjahanpur.

The case of the prosecution, in short, is that Avanish, son of the appellant, had gone to visit his elder sister in Village Jamilapur on 08.07.2020 and died there because of electrocution by the barbed wire fencing the agricultural field of the accused. The first information report was lodged because the child did not return till evening on 08.07.2020. The first information report was initially registered on the 10.07.2020 under Section 363 IPC registering Case Crime No. 188 of 2020. It was stated in the first information report that in the evening of 08.07.2020, the deceased had gone to the general store shop in the village but did not return till night. The dead body was found on 13.07.2020 near a river. The *panchayatnama* was prepared and the body was sent for post-mortem.

The post-mortem report noted that there were injuries on the body of the deceased which were caused by electrocution and no other injuries were noted on the body of the deceased. The accused, i.e., the opposite party no. 2

was arrested on the allegation of the first informant that the accused along with Abhishek Singh, Ajit Singh and Nanhe Lal had killed the deceased because there was prior enmity between the first informant and Ajit Singh as well as Nanhe Lal. It has been stated in a subsequent complaint by the first informant that the son-in-law and the daughter of the first informant had informed the first informant that the accused and other persons had killed the son of the first informant.

A recovery memo of the electric wire was also prepared.

Subsequently, a charge sheet was filed only against opposite party no.2 and other persons who were alleged to be accomplice of opposite party no. 2 were excluded from the charge sheet. The matter was committed for trial to the session court and Session Trial No. 1150 of 2020 under sections 304/201 IPC was registered against the accused.

A perusal of the judgment of the trial court shows that PW3, who is the daughter of the first informant and the elder sister of the deceased and at whose house the deceased had gone to visit alleged that she was told by the children in the village that the accused had used barbed wire fence to protect his agricultural field in which electric current had been generated because of which the deceased died and was lying on the agricultural field. However, there is nothing on record to show that any action was taken by PW-3 on hearing the aforesaid.

It also comes out from the judgment of the trial court that PW-2 and PW-4, whom the trial court claimed to be eye-witnesses to the fact that the deceased was last seen with the accused have not supported the case of the prosecution and there is no evidence that the deceased was last seen with the accused.

It is apparent from the facts narrated above that the prosecution raised two different cases to implicate the accused. The case that the deceased died because of electrocution by the barbed wire fence on the agricultural field

and the other case was that the accused had killed the deceased because there was prior enmity between the first informant and the accused. The prosecution could not produce any evidence to substantiate either case before the trial court or to prove any motive in the accused to commit the crime. The recovery memo has also been disbelieved by the trial court on the ground that PW-10, who is the witness to the recovery, could not give the particulars of the electric wire recovered and further the position of the electric wire was not so as to cause death of any person.

After considering the shortcomings in the prosecution case, the trial court rejected the case of the prosecution and acquitted the accused holding that the prosecution had not been able to prove its case beyond doubt. It appears that the case of the prosecution is based on mere suspicion. Suspicion, howsoever strong, cannot be a substitute of proof.

We do not find any perversity or illegality in the findings of the trial court so as to re-examine the evidence in appeal.

The appeal lacks merit and is ***dismissed***.

Let the file be consigned to records after certifying a copy of the present judgment to the trial court.

**February 11, 2026**  
Vipasha

**(Dr. Ajay Kumar-II,J.) (Salil Kumar Rai,J.)**