



2026:AHC:29219-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL U/S 413 BNSS No. - 734 of 2025

Akhilesh Chandra Singh

.....Appellant(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Appellant(s)	:	Pramod Kumar, Sr. Advocate
Counsel for Respondent(s)	:	G.A.

Court No. - 43

HON'BLE SALIL KUMAR RAI, J.

HON'BLE DR. AJAY KUMAR-II, J.

1. Heard learned counsel for the accused-appellant and learned A.G.A. for the State-respondent and also perused the judgment of the trial Court.
2. The present appeal has been filed against the judgement and order dated 15.09.2025 passed by Additional Session Judge, Court No. 22, Prayagraj in Sessions Trial No. 248 of 2013 (State of U.P. vs. Saurabh Yadav and others), arising out of Case Crime No. 17 of 2009, under Section 364 IPC, Police Station Dhoomangaj, District Prayagraj acquitting the opposite parties nos. 2 to 4.
3. The First Information Report registering Case Crime No. 17 of 2009, under Section 364 IPC was registered at the instance of the first informant on 11.01.2009, which stated that Ankit Singh, the son of the first informant had gone to the house of Saurabh Yadav, i.e., the opposite party no. 2 and did not return back. It has been stated in the FIR that Ankit Singh was a student of B.Tech, 1st Year and the first informant received a call from his son stating that he was staying with his friend and will return on the next day, i.e. 08.01.2009. However, the son of the first informant did not return back by the evening of 08.01.2009. The first informant also received a call from the opposite party no. 2 at 5:55 pm on 08.01.2009 stating that Ankit Singh had boarded Sangam Express from Subedarganj Railway Station and apprehension was communicated that Ankit Singh may do some harm to himself. The aforesaid events persuaded the first informant to register the first information report, apprehending that Ankit Singh, may have been abducted by the opposite parties.

4. The dead body was subsequently found near the railway track and torn clothes allegedly found near the railway track and near the dead body, were identified by the first informant as the clothes worn by the deceased while leaving his home. The photograph of Ankit Singh was also shown to the first informant by the Investigating Officer claiming that the photograph was of the dead body found near the railway track and it was identified by the first informant as the photograph of son Ankit Singh. However, the trial Court records, in its judgement that the dead body itself could not be identified by the first informant.

5. Taking note of the aforesaid fact and also the fact that the presence of Ankit Singh in Sangam Express after 6:00 pm on 08.01.2009, was proved by the evidence of PW-10 and also after taking note of the fact that the dead body claimed by the prosecution as the dead body of Ankit Singh was identified as that of a person 35 years old by the Doctor, who conducted the autopsy of the dead body whole. Ankit Singh was a student of B.Tech. 1st year and was around 19-20 years, the trial Court held that the abduction and murder of Ankit Singh and culpability of opposite parties in the murder of Ankit Singh could not be proved by the prosecution. No motive could be imputed to the opposite parties for the crime. The fact that Ankit Singh had left the company of the opposite parties on 08.01.2009 is also evident from the prosecution evidence itself. The murder of Ankit Singh has also not been proved.

6. In the aforesaid circumstances, we do not find any error, illegality or any perversity in the assessment of evidence by the trial Court, so as to re-examine the evidence in appeal. The opinion of the trial Court that the prosecution had failed to prove its case beyond doubt is a reasonable view, considering the evidence in the case.

7. The appeal lacks merit and is accordingly, **dismissed** summarily.

8. The file be consigned to record after certifying the judgment of this Court to the trial Court.

February 10, 2026
Monika

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