



2026:AHC:56409

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 1894 of 2026

Sandeep Pandey And 3 Others

.....Revisionist(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Revisionist(s)	:	Janardan Yadav
Counsel for Opposite Party(s)	:	G.A.

Court No. - 87

HON'BLE ABDUL SHAHID, J.

1. Heard learned counsel for the revisionists, learned AGA for the State and the learned counsel for opposite party no.2.
2. The present criminal revision has been filed against the impugned order dated 28.1.2026 passed by learned Additional Sessions Judge, Court No.3, Azamgarh in Session Trial No. 708 of 2023 (State Vs. Sandeep Pandey and others), arising out of Case Crime No. 84 of 2018, under Section 308 IPC, Police Station Ahraula, District Azamgarh, whereby discharge application of the revisionists to discharge them under Section 308 IPC has been rejected by the learned trial court.
3. Learned counsel for the revisionists has submitted that impugned order passed by the learned trial court is wholly illegal and arbitrary. The trial court has committed grave illegality and material irregularity in passing the impugned order. He further submitted that the learned trial court has misread and misinterpreted the evidence available on records and failed to draw the right conclusion in this case. The impugned order has been passed in a very mechanical and casual manner and, therefore, same is liable to be set aside and the criminal revision is liable to be allowed.
4. Learned counsel for the opposite party no.2 has submitted that the impugned order has rightly been passed by the learned trial court and there is no illegality or irregularity in the impugned order. Therefore, the revision is liable to be dismissed.

5. Learned counsel for the revisionists has further submitted that there is no case made out under Section 308 IPC. He relied on injury report, whereas the injury report of Pashupatti Devi shows that she is having contusion 8 cm x 2 cm mid abdomen 4 cm below sternness complained head. The injury is caused by hard and blunt object and referred to X-Ray and proper management.

6. Another injured, Rama aged 25 years. She has suffered the following injuries:-

- i. Contusion on the left side of the forehead at left eye brow and as secreted of forehead size 4 cm x 3.5 cm x reddish in colour. According attended at the time of injury un-contusion one present.
- ii. Contusion on right side of the forehead size 2 cm x 2 cm x reddish in colour.
- iii. Contusion on the apex of the head size 3 x 2 cm.
- iv. Contusion on the tip of ring finger size 1.5x 0.5 cm x reddish in colour.
- v. Contusion on the right side of the face at dorsal surface at the root of the right toes size 4 x 2 cm x reddish in colour.

7. Learned counsel for the revisionists has further relied the statement of doctor, who had conducted the medical examination and found that the injured were in normal condition. The statement of Dr. Ashutosh Shaha, Medical Officer, Sadar Hospital, Azamgarh was recorded. He has stated that treatment of patient, Pashupati Devi was continued, then his relative Jitendra Pandey had personally requested hence, she was referred to higher centre.

8. Dr. Shishir Jaiswal of higher centre i.e. Vedanta Hospital, District Azamgarh has stated that the injured came around 3.00 am in the morning on 23.4.2018 from Sadar Hospital in critical condition. The pulses was very low and treatment of injured was done in emergency and she has been shifted to ICU. He stated that when lady came to the Hospital, she was difficulty in breathing. The injured is having liver injury which is suspected. There are mark of injury on the skin. She had been difficulty in respiration and having unbearable pain. Due to that, that was affecting

heart-beat to the injured.

9. Learned counsel for opposite party no.2 has submitted that the injured- Pathupati Devi had recorded her statement and she has specifically deposed that Sandeep had hit on my abdomen by Lathi and stated that accused persons has beaten.

10. Learned trial court has dismissed the discharge application of the revisionists. The injured persons had suffered several injuries including head and abdomen. Both are vital parts of the body. These type of injuries could be fatal at any stage. There is no criteria of any injury for the charge of Section 308 IPC. There is prima facie case made out. No final finding could be recorded at this stage.

11. In view thereof, there is no illegality or irregularity in the impugned order. The criminal revision has no force and is liable to be dismissed.

12. The criminal revision is **dismissed**.

(Abdul Shahid,J.)

March 19, 2026

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