



2026:AHC:59054

## HIGH COURT OF JUDICATURE AT ALLAHABAD

### CRIMINAL REVISION No. - 1953 of 2026

Suresh Chandra Maurya @ Suresh Kumar Maurya  
And 3 Others

.....Revisionist(s)

Versus

State of U.P. and Another

.....Opposite  
Party(s)

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| Counsel for Revisionist(s)    | : | Ashok Kumar Singh |
| Counsel for Opposite Party(s) | : | G.A.              |

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**Court No. - 86**

**HON'BLE SUBHASH CHANDRA SHARMA, J.**

Heard learned counsel for the revisionist as well as learned A.G.A. for the State and perused the material on record.

The present criminal revision has been moved with prayer to allow this revision and summon the record of lower court, admit the revision and set aside the impugned order dated 24.02.2026 passed by Civil Judge, Senior Division/A.C.J.M./Fast Track Court, Bhadohi in Complaint Case No.1110 of 2018 (Hariom Maurya vs. Sureshchandra Maurya and others) and discharge the revisionists from the offence u/s 323, 504, 506, 452, 427 I.P.C., Police Station Durgaganj, District Bhadohi and also prays to stay the further proceeding of the aforesaid case.

It is submitted by learned counsel for the revisionist that in this case opposite party no.2 is brother-in-law of the revisionist nos.1 & 2 and revisionist no.3 is his father-in-law. There is matrimonial dispute between the sister of revisionists and opposite party no.2 regarding which criminal proceedings are going on u/s 498A, 506 I.P.C. & 3/4 D.P. Act. In counter blast present complaint has been filed by the opposite party no.2 with false allegations of house-trespass and committing marpit with him. The statements of complainant u/s 200 Cr.P.C. and other witnesses Kaushalya Devi and Shyam Dhar u/s 202 Cr.P.C. were recorded those are related to the complainant. He also submits that it can never be possible for the revisionists to go to the house of opposite party no.2 and make assault on him. There is no any injury report to support the allegation of marpit with opposite party no.2/complainant by the revisionists. There is allegation of breaking open

the almirah but there is no material on record to support this allegation also. Under Section 244 Cr.P.C. the statement of PW-3 Subhash Chandra Maurya was also recorded in which he was cross-examined but learned trial court did not consider the facts disclosed in cross-examination of the witness. Thereafter, an application for discharge was filed which was also dismissed by the learned court even the revisionist no.1 was discharging his duties on the date of occurrence and he filed copy of attendance register before the learned court but it was also not taken into consideration while deciding the application for discharge. In this way, the order passed by learned trial court dated 24.02.2026 being illegal and improper is liable to be set aside and revision is to be allowed.

Learned A.G.A. opposed the prayer as aforesaid and contended that in this case the statement of complainant u/s 200 Cr.P.C. as well as other witnesses u/s 202 Cr.P.C. were recorded on the basis of which summoning order was passed by the learned trial court as prima facie case was found to be made out u/s 323, 504, 506, 452, 427 I.P.C., Police Station Durgaganj, District Bhadohi. Further contended that at the stage of discharge the evidence adduced on the part of the prosecution as expected u/s 244 Cr.P.C. is to be taken into consideration by the learned court and order is to be passed as provided u/s 245 Cr.P.C. At this stage the plea of alibi that accused person was somewhere else at the time of occurrence cannot be considered or accepted but it is to be proved by the accused at the stage of defense evidence. He also contended that the witnesses adduced and examined u/s 244 Cr.P.C. have also supported the allegations made by the complainant and other witnesses. If the testimony of those witnesses and the complainant as recorded during the cross-examination is also taken into consideration even then the statements of the witnesses cannot be said to be unreliable and false at this stage. The learned trial court has committed no error in passing the order in question but this revision being devoid of merit is liable to be dismissed.

Considering the facts and circumstances of the case, submissions made by learned counsel for the revisionist as well as learned A.G.A., the statements of complainant and other witnesses as recorded before the learned trial court, the statement recorded u/s 244 Cr.P.C., the statement made by the witnesses during the course of cross-examination and the order passed by learned trial court dated 24.02.2026, it cannot be said that the statements of the complainant and other witnesses are not reliable and said to be false but it

can only be decided during the course of trial. At the stage of charge only prima facie case is to be seen on the basis of material on record. Even the plea of alibi cannot be taken into consideration while framing the charge but it is to be proved during trial by the defense at an appropriate stage. In this way, in order passed by learned trial court dated 24.02.2026 there appears no any illegality and impropriety as a result it warrants no interference by this Court at this stage.

Accordingly, this criminal revision being devoid of merit is ***dismissed*** at the admission stage itself.

**March 23, 2026**  
Ashok Gupta

**(Subhash Chandra Sharma,J.)**