



2026:AHC:60241

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 1991 of 2026

Ramesh Chandra

.....Revisionist(s)

Versus

State Of U.P. And 6 Others

.....Opposite
Party(s)

Counsel for Revisionist(s)	:	Sanjay Kumar Srivastava, Shivakant
Counsel for Opposite Party(s)	:	G.A.

Court No. - 86

HON'BLE SUBHASH CHANDRA SHARMA, J.

1. Heard learned counsel for the revisionist as well as learned A.G.A. on the point of admission.
2. The present criminal revision has been filed by the revisionist with prayer to allow the present revision and set aside the impugned judgment and order dated 07.01.2026 passed by Session Judge, Kanpur Dehat in Session Trial No. 270 of 2019 (State Vs. Manoj) arising out of Case Crime No. 199 of 2019, under Sections 498-A, 323, 304-B IPC and Section 3/4 Dowry Prohibition Act, Police Station Sajeti, District Kanpur Nagar whereby learned court rejected the application u/s 358 BNSS/ 319 Cr.P.C. of the revisionist.
3. It is submitted by learned counsel for the revisionist that in this case, the revisionist is informant in Session Trial No. 270 of 2019, under Section 304-B, 498-A, 323 IPC, Police Station Sajeti, District Kanpur Dehat. In the F.I.R. the husband of the deceased, father-in-law, mother-in-law, Devar, married nanad and nandoi were named for making demand of dowry and harassment of the deceased and committing her murder. During post-mortem, cause of death was found to be hanging. Further submitted that the Investigating Officer did not investigate the case in proper manner as a result filed charge sheet against the husband only excluding father-in-law, mother-in-law, devar, married nanad and nandoi. During the course of trial the statements of prosecution witnesses were recorded before the learned trial court and an application under Section 319 Cr.P.C. was moved to summon father-in-law,

mother-in-law, Devar, married nanad and nandoi to face trial due to their implication in commission of the offence as being relative of the husband of the deceased. The learned trial court has rejected the application vide order dated 07.01.2026 illegally and erroneously, therefore, request to set aside the order passed by the learned trial court dated 07.01.2026 and allow the revision.

4. Learned A.G.A. opposed the prayer as aforesaid.

5. On considering the facts and circumstances of the case, submissions made by learned counsel for the revisionist as well as learned A.G.A. perusal of record, order passed by learned trial court dated 07.01.2026 under Section 319 Cr.P.C, the statements of the prosecution witnesses, it transpires that the deceased was wedded to Manoj and committed suicide in her house by hanging. F.I.R. was lodged by the informant against the husband Manoj, Ramesh father-in-law, Smt. Bhuri (mother-in-law), Vinay Kumar (devar), Raj Kumar (devar), Madhuri (nanad) and Ram Khilawan (nandoe). Allegation has been made against them for demand of dowry and subjecting her to harassment and also assault her with danda and causing her death. During the postmortem, no any internal or external injury was found on the dead body of the deceased except ligature mark showing that she has committed suicide by hanging. During the course of investigation it was also found that husband and deceased were living separate from father-in-law, mother-in-law, Devar, married nanad and nandoi. There was separate ration card, separate gas connection etc. this was the reason their names were exonerated by the Investigating Officer. The deceased was living separate from other members of the family just after five month of marriage in a newly constructed house. It also transpires that deceased was married with Manoj and father-in-law, mother-in-law, Devar, married nanad and nandoi were living separate from the family of the deceased. From the statements of the prosecution witnesses as recorded before the learned trial court only general allegation has been made regarding demand of dowry and harassment against all the family members of the husband but there is no any specific allegations against those relatives.

6. For exercising powers under Section 319 Cr.P.C. the court is to examine the evidence adduced on the part of the prosecution with a view to ensure as to prima facie case for framing of charge and possibility of the conviction on the basis of unrebutted evidence adduced during trial. If it is not so, no

person can be summoned under Section 319 Cr.P.C. for facing trial in casual manner. The evidence must be stronger than that of prima facie case at the stage of framing of charge

7. Para Nos. 105 and 106 of ***Hardeep Singh Vs. State of Punjab (2014) 3 SCC 92*** are quoted as under:

"105. Power under Section 319 Code of Criminal Procedure is a discretionary and an extraordinary power. It is to be exercised sparingly and only in those cases where the circumstances of the case so warrant. It is not to be exercised because the Magistrate or the Sessions Judge is of the opinion that some other person may also be guilty of committing that offence. Only where strong and cogent evidence occurs against a person from the evidence led before the court that such power should be exercised and not in a casual and cavalier manner.

106. Thus, though only a prima facie case is to be established from the evidence led before the court not necessarily tested on the anvil of Cross-Examination, it requires much stronger evidence than mere probability of his complicity. The test that has to be applied is one which is more than prima facie case as exercised at the time of framing of charge, but short of satisfaction to an extent that the evidence, if goes un rebutted, would lead to conviction. In the absence of such satisfaction, the court should refrain from exercising power under Section 319 Code of Criminal Procedure."

8. The learned trial court has considered all these facts and settled principles of law by passing the order in question. There appears no any illegality and impropriety in the order passed by learned trial court, therefore, it does not warrant interference by this Court but this revision being devoid of merit is liable to be dismissed at the admission stage itself.

9. Accordingly, this criminal revision is ***dismissed***.

March 24, 2026
Anurag Singh

(Subhash Chandra Sharma,J.)