



2026:AHC:60313

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 1996 of 2026

Vishambar Dayal

.....Revisionist(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Revisionist(s)	:	Anand Mohan Pandey, Dharmendra Singh
Counsel for Opposite Party(s)	:	G.A.

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 filed with prayer to admit and allow this revision, calls for the records of the case from the court below and set aside the impugned judgment and order dated 03.02.2026 passed by the Special Judge (D.A.A.)/Additional District & Sessions Judge, Firozabad in S.T. No.2203 of 2025 (State vs. Khetpal) arising out of Case Crime No.222 of 2025, under Section 231 B.N.S., Police Station Jasrana, District Firozabad pending in the court of Additional Chief Judicial Magistrate-II, Shikohabad, District Firozabad whereby the opposite party no.2 has been acquitted under Section 231 B.N.S. and Section has been converted under Section 217 B.N.S.

It is submitted by learned counsel for the revisionist that in this case the opposite party no.2 being informant lodged an F.I.R. against unknown person for committing robbery of Rs.4,40,000/- withdrawn from the Zila Sahkari Bank, Jasrana and number of motorcycle was disclosed in the F.I.R. During the course of investigation the recovery of aforesaid amount was made from the house of the informant himself as a result the informant

himself was implicated as an accused by the I.O. and the charge sheet was filed under Section 231 B.N.S. At the stage of framing of charge an application for discharge was moved by the informant/accused Khetpal which was decided by the learned trial court by order dated 03.02.2026 by which it passed the order of discharge u/s 231 B.N.S. but directed to frame the charge u/s 217 B.N.S. being triable by the learned court of Magistrate and the case was referred to that court. Further submitted that the learned trial court has exercised its power erroneously by holding the offence to be within the purview of Section 217 B.N.S. whereas the offence said to be committed by the informant/accused comes within the purview of Section 231 B.N.S., therefore, request to set aside the order dated 03.02.2026 passed by learned trial court and allow the revision.

Learned A.G.A. opposed the prayer as aforesaid and contended that the informant only provided false information of the fact of robbery with him at the police station on the basis of which F.I.R. was lodged. No any evidence was prepared or fabricated by him and produced before the learned court, therefore, offence under Section 231 B.N.S. cannot be said to be made out but for false information Section 217 B.N.S. is applicable. The learned court concerned has passed the order on the basis of material on record which cannot be said to be illegal.

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, the order passed by learned trial court dated 03.02.2026 and from the contents of F.I.R., it transpires that only false information regarding robbery of Rs.4,40,000/- was given by the informant/accused Khetpal against unknown culprit with motorcycle disclosing its number that belonged to the revisionist. During the course of investigation it was found that the money said to be robbed was kept by the informant in his almirah and false information was given at the police station for the purpose of false implication of the revisionist. As a result the I.O. exonerated the revisionist and charge sheeted the informant/opposite party no.2 for the offence u/s 231 B.N.S.

Section 231 B.N.S. provides that :-

"Giving or fabricating false evidence with intent to procure conviction of offence punishable with imprisonment for life or imprisonment.

Whoever gives or fabricates false evidence intending thereby to cause, or knowing it to be likely that he will thereby cause, any person to be convicted of an offence which by the law for the time being in force in India is not capital, but punishable with imprisonment for life, or imprisonment for a term of seven years or upwards, shall be punished as a person convicted of that offence would be liable to be punished.

Illustration. A gives false evidence before a Court, intending thereby to cause Z to be convicted of a dacoity. The punishment of dacoity is imprisonment for life, or rigorous imprisonment for a term which may extend to ten years, with or without fine. A, therefore, is liable to imprisonment for life or imprisonment, with or without fine."

Section 217 B.N.S. provides that :-

"False information, with intent to cause public servant to use his lawful power to injury of another person.

Whoever gives to any public servant any information which he knows or believes to be false, intending thereby to cause, or knowing it to be likely that he will thereby cause, such public servant-

(a) to do or omit anything which such public servant ought not to do or omit if the true state of facts respecting which such information is given were known by him; or

(b) to use the lawful power of such public servant to the injury or annoyance of any person, shall be punished with imprisonment of either description for a

term which may extend to one year, or with fine which may extend to ten thousand rupees, or with both."

The learned trial court after perusal of the essentials of Section 231 B.N.S. found that no any evidence was prepared or fabricated by him but it was only wrong information that was punishable u/s 217 B.N.S.

The perusal of contents of Section 231 & 217 B.N.S. clarify the fact that false information regarding commission of an offence is punishable under Section 217 B.N.S. and not under Section 231 B.N.S., therefore, the offence said to be committed by the accused/informant prima facie comes within the purview of Section 217 B.N.S. In this way, the order passed by learned trial court dated 03.02.2026 cannot be said to be illegal or erroneous but this criminal revision being devoid of merit is liable to be dismissed.

Accordingly, this criminal revision is ***dismissed*** at the admission stage itself.

March 24, 2026
Ashok Gupta

(Subhash Chandra Sharma,J.)