



2026:AHC:61515

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 2041 of 2026

Ram Kewal And 3 Others

.....Revisionist(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

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

Court No. - 86

HON'BLE SUBHASH CHANDRA SHARMA, J.

Heard learned counsel for the revisionists as well as learned A.G.A. on the point of admission.

The present criminal revision has been filed by the revisionists with prayer to set aside the impugned order dated 19.02.2026 passed by Additional Session Judge/Special Judge (E.C. Act), Azamgarh in Session Trial No. 690 of 2024 (State Vs. Ram Kewal and others) arising out of Case Crime No. 287 of 2023, under Section 308, 323, 427, 504, 506 IPC, Police Station Bilariyaganj, District Azamgarh.

It is submitted by the learned counsel for the revisionists that the informant lodged an F.I.R. as Case Crime No. 287 of 2023, under Section 323, 427, 504, 506 IPC, Police Station Bilariyaganj, District Azamgarh. After investigation, Investigating Officer submitted charge sheet and cognizance was taken by the learned magistrate court and case was committed for trial. Trial is going on as Session Trial No. 690 of 2024. Revisionists moved an application for discharge under Section 227 Cr.P.C. which was decided by the learned trial court on 19.02.2026 and application was rejected erroneously without going through the material collected during the course of investigation. The injuries said to be caused to the injured are simple in nature even though the

learned trial court has passed the order to frame the charge under Section 308 IPC also, though the offence can be said to be made out to the extent of offence under Section 323 IPC only. He also submitted that unless the injury said to be caused to the injured is dangerous to his life, charge cannot be framed under section 308 IPC against him. The injury mentioned in the injury report is, fracture that has been shown on the chest of the injured Suresh, on the basis of which the offence can be said to travel to the extent of offence under Section 325 IPC but not to Section 308 IPC. All these facts were not taken into consideration by the learned trial court while deciding the application for discharge erroneously, therefore, request to set aside the order dated 19.02.2026 passed by learned trial court and allow the revision. He relied his argument on the judgment passed by this Court in the case of ***Ram Jash Vs. State of U.P. 2010 LawSuit(All)3106.***

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

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 19.2.2026, the injury report of the injured, it appears that two persons are injured in the present case one is Sarmila and other is Suresh. Five injuries were found on the person of Sarmila at the time of medical examination in P.H.C. and she was referred for C.T. scan but in C.T. Scan no any fracture was found on her head and injury was also caused on temporal region of head that was skin deep. On the person of Suresh there were seven injuries, injury nos. 2, 3, 5 and 7 were referred for x-ray and further management to District Hospital where in x-ray his right side of chest was found to be fractured that is vital part of the body. During the course of investigation, the material was collected and charge sheet was submitted under Section 308 IPC. The statements of informant and injured were also recorded by the Investigating Officer and even charge sheet was also filed. The learned trial court has considered all these facts and injuries on the person of the injured Suresh and passed the order in question rejecting the discharge application. The learned trial court is not required to get itself satisfied as to the conviction of accused

person but only prima facie case is to be seen and the charge can be framed against the accused even on grave suspicion. In this way, there appears no any illegality or impropriety in the order dated 19.02.2026 passed by learned trial court but this revision, being devoid of merit is liable to be dismissed at the admission stage itself.

Accordingly, the present revision is ***dismissed***.

March 25, 2026
Anurag Singh

(Subhash Chandra Sharma,J.)