



2026:AHC-LKO:21435

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL REVISION No. - 791 of 2025

Anand Verma

.....Revisionist(s)

Versus

State Of U.P. Thru. Prin. Secy. Deptt. Of Home
Lko. And Another

.....Opposite
Party(s)

Counsel for Revisionist(s)	:	Seema Upadhyay, Kumar Ayush
Counsel for Opposite Party(s)	:	G.A.

Court No. - 27

HON'BLE RAM MANOHAR NARAYAN MISHRA, J.

1. Heard learned counsel for the revisionist, learned AGA for the State respondent and perused the record.
2. Counter affidavit has been filed on behalf of the State, is taken on record.
3. Notice has been served upon respondent number two, but none appeared on her behalf in the present revision.
4. Instant criminal revision, under Section 397 read with Section 401 CrPC / (now Section 438 read with Section 442 BNSS, 2023, has been preferred against the judgment and order dated 12/05/2025 passed by the learned Special Judge, POCSO Act Second / Additional District and Sessions Judge, District Ayodhya in Criminal Appeal No. 77 of 2024 (Anand Verma and 2 others versus State of U.P.), as well as the judgment and order dated 28/08/2024 passed by the learned Civil Judge (CD) FTC/ACJM, Ayodhya/ Faizabad in Case No. 413 of 2019, arising out of Case Crime No.191 of 2018, under Sections 147, 323, 336 IPC, Police Station Gosaigunj, District Ayodhya, (State of U.P. versus Ramesh Verma and 12 others).

5. Learned counsel for the revisionist submitted that the revisionist has been falsely implicated in the case. According to the prosecution version, by means of the impugned judgment, learned trial court has confirmed the conviction and grant of benefit of probation to the revisionist and co-accused under Section 4 of the Probation of Offenders Act. It is also observed by the learned trial court, while granting benefit of probation to the revisionist that no disqualification of conviction will accrue to the convicted persons, including the revisionist.

6. Learned counsel for the revisionist submitted that according to the prosecution version, the informant lodged an FIR with averment that the revisionist and ten other named accused persons assaulted her husband and her children by lathi and danda on 29/06/2018 at 10:00AM. Daughter of Jeet Bahadur Singh, aged around 18 years, had assaulted her son, Praduman Tiwari, by a brick, due to which he suffered injuries on his back. She was saving her children. In the meanwhile, someone pushed her and she fell down and sustained injury on her knee, which got swelled. It is also stated in the FIR that at the time of the incident, the husband of the informant, namely Lala Surendra, who was posted in the army, had come to his native place on 30 days' leave and he was cleaning his house at the time of the incident.

7. He next submitted that the First Information Report was lodged in the case under Sections 147, 323 and 336 IPC against as many as 13 named accused persons, who were chargesheeted and learned trial convicted the revisionist and co-accused for charges under Sections 147, 323 and 336 IPC, but instead of immediately sentencing them, released them on probation of good conduct by extending the benefit of Section 4 of the Probation of Offenders Act for a period of one year. The revisionist had

filed probation bonds before the court below and he has completed the period of probation successfully.

8. He further submitted that in the present revision, the finding of conviction recorded against the revisionist, has been assigned due to the concurrent finding of guilt of the revisionist with the co-accused, which is creating difficulty in his future career. He has applied for employment before the Railway Recruitment Board, Chandigarh as well as the Intelligence Bureau. He has cleared written examinations, but he apprehends that due to his conviction in the present case, which is of minor nature, his appointment will be affected due to adverse police report.

9. He further submitted that in the FIR itself, neither in the FIR nor in the evidence of the witnesses, any specific role has been assigned to the revisionist in the offense. In the FIR itself, it is stated that the injured Praduman Tiwari was assaulted by Deepa, the daughter of Jeet Bahadur Singh on his back by a brick, due to which he suffered injuries and the informant was pushed by someone during the incident, due to which she fell down and sustained injuries on her knee, which got swelled. He also submitted that in the injury report of the informant, Pushpalata, one solitary injury on her left knee along with swelling and complaint of pain, has been mentioned, which has been proved by the PW-5, Dr. Indrajeet Verma. Whereas according to the medical report, injury of Praduman Tiwari was in the nature of abrasion, which might have occurred 3-4 days before.

10. Per contra, learned AGA submitted that learned court below has rightly convicted the appellant and co-accused for alleged offenses and

keeping in view the minor nature of offenses and simple nature of injury of injured Pushplata and Praduman, revisionist and co-accused have been granted the benefit of probation. The revisionist has been convicted and sentenced for charge under Section 147, 323, 336 IPC and no interference is required in the present revision as no disqualification will occur to him in view of the probation of offenders act due to the grant of benefit of probation to him by the learned trial court as well as by appellate court.

11. I have reappraised the evidence appearing on record in the light of contentions made by learned counsel for the revisionist and learned AGA and I find force in contention of learned counsel for the revisionist that no specific role has been assigned to the revisionist in the offense. Only specific role in the offence has been assigned to the co-convict Deepa Singh, daughter of Jeet Bahadur Singh, regarding whom, PW-1 has testified that she assaulted her son Praduman by a brick on his back, but one solitary injury of Praduman is in the nature of abrasion. PW1 Pushplata has stated in her evidence that she suffered injury on her knee due to fall during the incident as she was pushed by someone. Even P.W-5 Dr. Verma has stated in his cross-examination that injury of Smt. Pushplata might have been caused due to fall on the ground. Injury of Smt. Pushplata appeared to have been sustained due to fall on the ground. PW-2 Praduman Tiwari has stated in his evidence that he suffered a deep injury on his back, but the injury report does not support the version as only one abrasion was found on his person. He could not tell the name of the accused persons in cross-examination and only told that they were 12 to 13 in number. He also stated that in statement 161 CrPC, that he told the name of the accused persons by getting information from his brothers in this regard. He has stated that the daughter of Jeet Bahadur had

assaulted him by a stone. He received four injuries by lathi in the incident, but this statement has not been supported by his injury report. The learned trial court has not convicted the appellant with the aid of Section 149 CrPC, but they are convicted for charges under Section 147, 323, 336 IPC simplicitor which is not in consonance with the law of common object. The number of accused persons is not consistent with the nature of injury sustained by the two injured persons which are trivial in nature.

12. For the foregoing discussions and meticulous examination of the record, I am of the considered opinion that the conviction of the revisionist for the said charges on the basis of evidence adduced by the prosecution during trial, the charges levelled against the revisionist are not proved beyond reasonable doubt. The trial court has committed misappreciation of the evidence on record while convicting the revisionist for the said charges, which are not sustainable. Consequently, the revisionist the impugned judgment and order, insofar as it relates to the conviction of the revisionist, is **set aside**. The revision in respect of appellant, Anand Verma is **allowed**. Consequently, the revisionist is acquitted of all charges.

13. Let a certified copy of this order be sent to the trial court for information and further action.

(Ram Manohar Narayan Mishra,J.)

March 25, 2026

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