



2026:AHC:30483

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 811 of 2026

Surendra Kumar Sharma And Another

.....Revisionist(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Revisionist(s) : Hitesh Pachori

Counsel for Opposite Party(s) : Kamlesh Kumar Dwivedi, Prashank
Mishra, G.A.

AFR

Court No. - 87

HON'BLE ABDUL SHAHID, J.

1. Heard Sri Manish Tiwari, learned Senior Counsel assisted by Sri Hitesh Pachori, learned counsel for the revisionists and Sri K.K. Dwivedi, learned counsel for the opposite party no.2, who has filed his vakalatnama. The same is taken on record.

2. The instant criminal revision has been preferred being aggrieved by the impugned order dated 31.10.2025, passed by the learned Additional Sessions Judge, Court No. 17, Agra (State Vs. Jitendra Gond), in Session Trial No. 2243 of 2023, relating to Case Crime No. 96 of 2022, under Section 306, 498A, 323 IPC, Police Station Nai Ki Mandi, District Agra, whereby the application under Section 319 Cr.P.C. has been allowed and the revisionists have been summoned to face trial under section 306 IPC.

3. The brief facts of the case is that the informant/opposite party no.2 has lodged the FIR stating that the marriage of his daughter-Prachi was took place on 29.1.2015 with Jitendra Gaur son of Surendra Kumar Sharma, wherein he had given dowry and articles more than his capacity. It is alleged that husband-Jitendra Gaur and his father and step mother-in-law Pushplata Sharma were not happy with the dowry given in the marriage and they were making additional demand of a car and Rs. 10 lakh cash and when daughter of the informant refused to succumb their demands, then all the aforesaid three persons used to beat her and whenever the deceased visited her Mayaka then she informed all the things to the family members. It is also

alleged in the FIR that prior to the incident, the deceased Prachi informed her mother on phone that aforesaid persons were very much harassing her for dowry and they were committing Marpeet with her. On 27.8.2022 at about 3.00 a.m, Surendra Kumar Sharma, (revisionist no.1) who is father-in-law of the deceased informed the informant/opposite party no.2 through mobile that Prachi has hanged herself and upon this information, the informant alongwith his family members arrived at the spot then found that the dead body of the deceased Prachi was lying on floor in the drawing room and injury marks were there on her body.

4. The FIR has been lodged at the police station on 27.8.2022 at Case Crime No. 96 of 2022, under Section **323, 498A, 304-B IPC** against Jitendra Gaur (husband), Surendra Kumar Sharma, (father-in-law) and Smt. Pushplata Sharma, (step-mother-in-law). During the course of investigation, the statements of witnesses were recorded under Section 161 Cr.P.C and all the witnesses had affirmed the contents of the FIR and they got available the prima facie evidence against all the named accused persons. However, after investigation, the Investigating Officer dropped accusation under Section 304-B IPC and submitted charge sheet against sole accused Jitendra Gaur for the offence under Section 306, 498A, 323 IPC.

5. The postmortem of the deceased was conducted in which following ante-mortem injuries were found:-

"An oblique ligature mark of size 58 cm x 1.5 cm all around upper part of Neck with a gap of a 4 cm over right side neck gap is 5 cm away from right angle of mouth.

Ligature mark is 3 cm from right ear 4 cm from chin, 6 cm from left ear on cut section skin below, ligature mark is perchanand like doorling of salva from left angle of mouth present weage with above injuries."

6. During the course of trial when all the witnesses of facts have been examined, an application under Section 319 Cr.P.C. has been moved. The statement of PW-1 Vinod Kumar Sharma, father of the deceased was recorded and he supported the version of the prosecution in his examination-in-chief as well as in the cross-examination. He stated that the deceased was beaten for additional dowry and she was harassed mentally and physically

upto the extent that she would end up her life. The statement of PW-3 Parikshit Bhardwaj, PW-4, mother of the deceased and PW-8 Bhabhi of the deceased have been recorded and they given evidence before the trial court, wherein they had given prima facie evidence against father-in-law and step mother-in-law alongwith the accused Jitendra Gond. This has further been noted in the said application that in the aforesaid session trial, the prosecution has adduced total eight witnesses and only the evidence of investigation officer is left.

7. Learned counsel for the revisionists has submitted the learned trial court has passed the impugned order dated 31.10.2025 without application of judicial mind, hence the same is liable to be set aside. He further contended that during the course of investigation, the Investigating Officer find that the marriage of deceased and Jitendra Kumar was solemnized on 29.1.2015 and more than 7 years have past and, therefore, Section 304-B was eloped. The investigation of said case crime was concluded and the names of the revisionists were exonerated and the closure report was submitted on 15.9.2023. The application under Section 319 Cr.P.C. was allowed in an arbitrary manner vide order dated 31.10.2025 against the material on record summoning the revisionists under Section 306 IPC. The FIR was not lodged under Section 3/4 of Dowry Prohibition Act nor the charge sheet was submitted against Jitendra Kumar Gaur under said sections nor the charges were framed against him under Section 3/4 of D.P. Act, which falsify the prosecution story as developed by the first informant in the FIR.

8. Learned counsel for the revisionists has further submitted that in the impugned order, the learned Judge himself observed " **this is important to note here that such version of a witnesses comes under the meaning of hearsay evidence, which normally does not wholly reliable...**", even though the revisionists have been summoned under Section 306 IPC on the same set of evidence. He further submitted that no material surfaced against the revisionists during investigation from the statements recorded under Section 161 Cr.P.C, as a result of which, the revisionists were exonerated and closure report was filed on 15.9.2023. He further submitted that the revisionists have been summoned merely on the suspicious grounds.

9. Learned counsel for the revisionists in support of his contentions has

placed reliance on the judgments viz. **State of Punjab Vs. Davinder Pal Singh Bhullar (2011) 14 SCC 770**, **Kalbharti Advertising Vs. Hemant Vimalnath Narchania (2010) 9 SCC 437**, **Mangal Prasad Tamoli Vs. Narvadeshwar Mishra (2005) 3 SCC 422**, **Badrinath Vs. Government of Tamil Nadu (2000) 8 SCC 395** and **Seth Ganga Dhar Vs. Shankar Lal and others, AIR 1958 SC 770**. Learned counsel for the revisionist has further relied on **Amalendu Pal alias Jhantu Vs. State of West Bengal 2001 SCC 707**, **Sanju alias Sanjay Singh Sengar Vs. State of M.P. 2002(5) SCC 371**, **Netai Dutta Vs. State of W.B.; 2005 (2) SCC 659**, **State of Kerala and others Vs. S. Unnikrishnan Nair and others; (2015) 9 SCC 639**, **State of West Bengal Vs. Indrajit Kundu and another (2019) 10 SCC 188**, **Geo Varghese Vs. State of Rajasthan and another; 2021 SCC OnLine SC 873** and **Shabbir Hussain Vs. State of Madhya Pradesh; 2021 SCC OnLine SC 743**.

10. Learned counsel for the revisionists has also placed reliance on **S Mohammed Ispahani V. Yogendra Chandak and others (2017) 16 SCC 226**, **Harjinder Singh V. State of Punjab and another; 2025 SCC Online SC 1029**, **Geeta Devi and another V. State of Punjab and another; 2004: PHHC: 000708**, **Y. Saraba Reddy V. Puthur Rami Reddy and another (2007) 4 SCC 773**, **Lok Ram V. Nihal Singh and another (2006) 10 SCC 192**, **Ramnarayan Ram Daroga and 2 others V. State of U.P. and another; 2025: AHC-165520**, **Shiv Baran V. State of U.P. and another SLP(Crl) No. 3993 of 2025**, **Shankar Vs. State of U.P. and others; 2024 SCC Online SC 730**, and **Smt. Rekha and 3 ors Vs. State of U.P. and 2 others; 2025: AHC-LKO: 918**.

11. On the other hand, learned counsel appearing for the opposite party no. 2/complainant has submitted that learned trial court has rightly passed the impugned order summoning the revisionists under Section 306 IPC. The revisionists have been summoned on the basis of evidence recorded during trial of the witnesses. Therefore, the revision is liable to be dismissed. He further submitted that even the charges have been framed against the revisionists on 14.1.2026 and thus, against the order framing charge, no revision would be maintainable. Hence, on this score too, the present revision is liable to be dismissed.

12. Learned counsel appearing for the opposite party no.2 has relied on Division bench judgement of this Court in **Shueb Mahmood Kidwai @ Bobby Vs. State of U.P. in Application U/S 482/378/407 No. 3044 of 2017 decided 23.2.2021** to contend that the revision is not maintainable as charges in this case has already been framed.

13. In the said petition which was filed under Section 482 Cr.P.C. and was referred to Division Bench, it was observed that there is a legal hurdle by virtue of Section 232 Cr.P.C which provides a remedy to the applicant, in entertaining this application under Section 482 Cr.P.C. Prima facie opinion was that after framing of charge without supervening development in the form of judicial order, interference with the proceedings of the trial under Section 482 Cr.P.C may not be permissible because prayer for quashing the entire proceedings initiated on charge sheet cannot be questioned as the trial court has already held by judicial order passed under Section 228 Cr.P.C that prima facie commission of offence is made out. The learned Single Judge has then observed that without questioning the correctness of that order, allowing an application for quashing of proceedings would amount to falsifying the records of the Court where order directing charge to be framed stands unchallenged.

14. In this backdrop, the matter has been placed before the learned Bench and Court held that we cannot say that, in the eventualities mentioned in the referred order, in no circumstances would an application under Section 482 Cr.P.C be maintainable i.e it will not lie. Whether such an application is to be entertained or not is a question to be considered and answered in the facts of each case and no general proposition or straight jacket formula can be laid down/provided in this regard. The guiding principle is as to whether in the facts of a case continuance of proceedings amount to abuse of the process of the Court and/or whether interference of the High Court is necessary to secure the ends of justice or not? Based on these two principles the facts of each case are required to be assessed by the High Court when the power and jurisdiction under Section 482 Cr.P.C. is invoked.

15. The present subject matter is criminal revision. The scope and ambit and jurisdiction of criminal revision as well as inherent power of the High Court under Section 482, both are entirely and altogether different.

16. The learned trial court has considered the case in detail and mentioned that invoking the provisions of Section 319 CrPC is a discretionary power vested in the trial judge and hence it is not needed to hear from the side of the defence for the said particular purpose and also at the stage of consideration of the said application filed for the said purpose, no occasion arises to hear the stance of the persons going to be summoned as accused. At the outset, while attempting to move further while deciding the said application, it would be beneficial to reproduce here the provisions of Section 319 CrPC which is as under:-

"319. Power to proceed against other persons appearing to be guilty of offence.-(1) Where, in the course of any inquiry into, or trial of, an offence, it appears from the evidence that any person not being the accused has committed any offence for which such person could be tried together with the accused, the Court may proceed against such person for the offence which he appears to have committed....."

17. Learned trial court has held in the impugned order that it is very much clear from this provision as noted above itself that, particularly regarding this instant case when it appears during trial of an offence from the evidence that any person who had not been shown in the charge sheet as an accused in the array of accused had committed that offence may be summoned by the Court for facing trial of such offence, that means upon the evidence the Court was satisfied enough that such person who was not shown as an accused by the police in its charge sheet had committed that offence. Meaning thereby level of satisfaction or degree of satisfaction while summoning any person as an accused invoking Section 319 Cr.P.C. is much more than the stage of framing of charge when the Court was to consider only prima facie case to further proceed on basis of materials produced by the prosecution at the stage of framing of charge. Regarding this, the trial court deemed it proper to refer certain principles laid down by the Constitution Bench of the Hon'ble Supreme Court in **Hardeep Singh Vs State of Punjab; AIR 2014 SC 1400**, which are noted herein following manner:-

"86. Section 319(1) Cr.P.C. empowers the court to proceed against other persons who appear to be guilty of offence, though not an accused before the

court. The word "appear" means "clear to the comprehension", or a phrase near to, if not synonymous with "proved". It imparts a lesser degree of probability than proof."

18. Learned trial court has relied on the judgement rendered in **Pyare Lal Bhargava v. The State of Rajasthan, AIR 1963 SC 1094**, in which a four-Judge Bench of this Court was concerned with the meaning of the word 'appear'. The court held that the appropriate meaning of the word 'appears' is 'seems. It imports a lesser degree of probability than proof. In **Ram Singh & Ors. v. Ram Niwas & Anr., (2009) 14 SCC 25**, a two-Judge Bench of this Court was again required to examine the importance of the word 'appear' as appearing in the Section. The Court held that for the fulfillment of the condition that it appears to the court that a person had committed an offence, the court must satisfy itself about the existence of an exceptional circumstance enabling it to exercise an extraordinary jurisdiction. What is, therefore, necessary for the court is to arrive at a satisfaction that the evidence adduced on behalf of the prosecution, if unrebutted, may lead to conviction of the persons sought to be added as an accused in the case.

19. Learned trial court has placed reliance on **Sarabjit Singh & Anr. v. State of Punjab & Anr. AIR 2009 SC 2792**, wherein while explaining the scope of Section 319 Cr.P.C., a two-Judge Bench of this Court observed as under:

"....For the aforementioned purpose, the courts are required to apply stringent tests; one of the tests being whether evidence on record is such which would reasonably lead to conviction of the person sought to be summoned.....Whereas the test of prima facie case may be sufficient for taking cognizance of an offence at the stage of framing of charge, the court must be satisfied that there exists a strong suspicion. While framing charge in terms of Section 227 of the Code, the court must consider the entire materials on record to form an opinion that the evidence if unrebutted would lead to a judgment of conviction. Whether a higher standard be set up for the purpose of invoking the jurisdiction under Section 319 of the Code is the question. The answer to these questions should be rendered in the affirmative. Unless a higher standard for the purpose of forming an opinion

to summon a person as an additional accused is laid down, the ingredients thereof viz. (i) an extraordinary case, and (ii) a case for sparingly (sic sparing) exercise of jurisdiction, would not be satisfied." (Emphasis added).

20. Learned trial court has recorded in the impugned order that PW3 Parikshit Bhardwaj, who is the brother of the deceased has stated in his examination-in-chief that marriage of his sister, the deceased had taken place on 29.01.2015 with the accused Jitendra Gond and this PW3 has also stated further in his examination-in-chief that after lapse of 4-5 months of marriage of his sister, her husband, father-in-law Surendra Sharma and mother-in-law Pushplata Sharma started making a demand of Rs. 10 lakh and one car as additional dowry. This has further been stated by this PW-3 in his examination-in-chief that on 23.10.2017, his deceased sister had visited his place along with her husband Jitendra Gond and till that time she was being harassed and was being subjected to physical and mental cruelty by her husband Jitendra Gond, Sasur Surendra Sharma and mother-in-law Pushplata Sharma and then his father Vinod Kumar Sharma had given Rs. 5 lakh cash to Jitendra Gond. This has further been deposed by this PW-3 in his examination-in-chief that on 25/ 26.08.2022 his sister, the deceased had informed his mother on phone about her ordeal in the hands of her in-laws and thereafter on 27.08.2022 at 3:00 am his sister hanged herself as it was informed to his father by father-in-law of his sister Surendra Sharma.

21. It has also been recorded in the impugned order that PW-4, who is mother of the deceased has deposed in her examination-in-chief that on 26.8.2022 11:30 am she had received a phone call of her daughter, at that time she was crying and was telling that now she cannot live since these all persons are committing marpeet with her. At this very juncture this is very much important to note that the learned Advocate for the prosecution drawn attention of this Court about the CD Parcha No. 10 maintained by the concerned police during investigation, in which records of CDRs of this PW4 and mobile phone of deceased are noted. Thereupon, it appears that the version of the PW-4 cannot be kept aside plainly, wherein she had stated that her deceased daughter had talked to her on 26.08.2022. Without noting the detail contents of the cross-examination of PW4, the trial court has without hesitation noted that the point of harassment of the deceased by her husband, father-in-law and mother-in-law is not rebutted by the defence side.

22. The learned trial court has evaluated the evidence of PW-8 Aparna Bhardwaj wife of PW-3 Prakshit Bhardawaj. This shows that this PW-8 was bhabhi of the deceased. This PW-8 has also repeated the things about demand of additional dowry of Rs. 10 lakh and one car by accused Jitendra Gond and his father Surendra Kumar Sharma and mother Pushplata. This PW-8 has stated further in her examination-in-chief that her sister-in-law (deceased) used to tell her ordeal in the hands of her father-in-law and mother-in-law and her husband. Again this is important to note here that such version of a witness comes under the meaning of hearsay evidence which normally does not wholly reliable, but so far it is concerned regarding the cases in which main allegation is U/s 306 IPC, such version cannot be simply kept aside or ignored. Further, this PW8 has deposed in her examination-in-chief that in her presence and presence of all the family members her father-in-law had given about five lakh cash to the accused Jitendra Gond and at that time her father-in-law had urged to accused Jitendra Gond not to harass his daughter further. PW-8 has also deposed in her examination-in-chief that on 26.08.2022 her 'nanad', deceased had called her mother-in-law and at that time she had told her about ill treatment meted out her by her in-laws for demand of dowry and that time she (PW8) and her mother-in-law had tried to make the deceased understand and told her for waiting two days, but on 27.08.2022 itself they were informed that her 'nanad' had hanged herself. The trial court has minutely gone through the contents of cross-examination of the PW-8 and without evaluating the same extensively, the trial court deems it proper to note here that qua the version of the PW-8 regarding commission of physical harassment of the deceased by her husband, father-in-law and mother-in-law could not be rebutted by the defence.

23. The cause of death of the deceased is due to asphyxia as a result of antemortem hanging. She died as per postmortem report due to antemortem hanging. The ligature marks were found on the body of the deceased.

24. It is held by the Hon'ble Supreme Court in **Hardeep Singh Vs. State of Punjab and others (2014) 3 SCC 92** that the word 'evidence' used in Section 319(1) Cr.P.C. indicates the word 'evidence' is limited to the evidence recorded during trial. It is further held by the Apex Court in **Omi**

@ Omkar Rathore Vs. State of Madhya Pradesh and another; 2025 INSC 27 that trial court can add an individual as accused only on the basis of the evidence adduced before it and not on the basis of the materials available in the charge sheet or the case diary because such materials contained in the charge sheet or the case diary do not constitute evidence.

25. It is held by the Hon'ble Supreme Court in **Shiv Baran Vs. State of U.P. and another decided on 16th July, 2025 in Criminal Appeal No. 3008 of 2025 (arising out of SLP (Criminal) No. 3993 of 2025** that trial court can exercise power to summon an additional accused under Section 319 Cr.P.C. only on the basis of the evidence adduced before it and not any other material collected during investigation. It is also held in **Brijendra Singh and others Vs. State of Rajasthan (2017) 7 SCC 706** that the word 'evidence' used in Section 319 Cr.P.C. means the material brought before the court during trial but evidence collected by the I.O. can be utilized for corroboration. Whereas, in the present case, there are only general and vague allegation against the revisionists being father-in-law and step mother-in-law of the deceased. Whereas, during investigation, no evidence has been found against the revisionists. There is no specific demand made by the revisionists about additional dowry during entire investigation. The statement recorded during trial of **PW-1**, who is father of the deceased had made only vague allegation that the revisionists were was also consented with their son, whereas PW-2, mother of the deceased has made general deposition that both have demanded additional dowry of Rs. 10 lacs and one car.

26. It is held by the Supreme Court in **Chhaya Vs. State of Maharashtra, (2018) 17 SCC 8** which reads as under:

"10. A perusal of the oral evidence of the parents of the deceased would indicate that only minor allegations are made against the appellant. Vague and cryptic allegations are found against her with no specific allegation in respect of demand for dowry or harassment in any manner. In the absence of definite evidence against the appellant, the Sessions Court and the High Court are not justified in convicting her even for the offence punishable under Section 498-A IPC."

27. It is held by the Supreme court in **Geeta Mehrotra Vs. State of U.P.**

(2012) 10 SCC 741 as under:

"18. Their Lordships of the Supreme Court in Ramesh case [(2005) 3 SCC 507 : 2005 SCC (Cri) 735] had been pleased to hold that the bald allegations made against the sister-in-law by the complainant appeared to suggest the anxiety of the informant to rope in as many of the husband's relatives as possible. It was held that neither the FIR nor the charge-sheet furnished the legal basis for the Magistrate to take cognizance of the offences alleged against the appellants. The learned Judges were pleased to hold that looking to the allegations in the FIR and the contents of the charge-sheet, none of the alleged offences under Sections 498-A, 406 IPC and Section 4 of the Dowry Prohibition Act were made against the married sister of the complainant's husband who was undisputedly not living with the family of the complainant's husband. Their Lordships of the Supreme Court were pleased to hold that the High Court ought not to have relegated the sister-in-law to the ordeal of trial. Accordingly, the proceedings against the appellants were quashed and the appeal was allowed."

28. It is further held in paragraph no. 25 of **Geeta Mehrotra (supra)** as under:-

"25. However, we deem it appropriate to add by way of caution that we may not be misunderstood so as to infer that even if there are allegation of overt act indicating the complicity of the members of the family named in the FIR in a given case, cognizance would be unjustified but what we wish to emphasize by highlighting is that, if the FIR as it stands does not disclose specific allegation against accused more so against the co-accused specially in a matter arising out of matrimonial bickering, it would be clear abuse of the legal and judicial process to mechanically send the named accused in the FIR to undergo the trial unless of course the FIR discloses specific allegations which would persuade the court to take cognizance of the offence alleged against the relatives of the main accused who are prima facie not found to have indulged in physical and mental torture of the complainant-wife. It is the well settled principle laid down in cases too numerous to mention, that if the FIR did not disclose the commission of an offence, the court would be justified in quashing the proceedings preventing the abuse of the process of law. Simultaneously, the courts are expected to adopt a

cautious approach in matters of quashing specially in cases of matrimonial dispute whether the FIR in fact discloses commission of an offence by the relatives of the principal accused or the FIR prima facie discloses a case of over-implication by involving the entire family of the accused at the instance of the complainant, who is out to settle her scores arising out of the teething problem or skirmish of domestic bickering while settling down in her new matrimonial surrounding."

29. It is held in **Hardeep Singh (supra)** that summoning of accused under Section 319 Cr.P.C. is settled, that this power is an extra ordinary power, which should be used sparingly with circumspection and while passing the summoning order under Section 319 Cr.P.C, court must consider whether more than prima facie case made out, or not, mere prima facie case is not sufficient.

30. The power under Section 319 Cr.P.C. is a discretionary and an extra-ordinary 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.

31. In the said case, the FIR has been lodged under Section 498A, 304B, 323 IPC on 27.8.2022 on the date of incident itself by the opposite party no.2/complainant, who is father of the deceased. The FIR was lodged against husband, Jitendra Kumar Gond, Surendra Kumar Sharma, father-in-law and Smt. Pushplata Sharma, step mother-in-law. In the contents of the FIR, there are general allegation on all the named accused persons for demand of a Car and Rs. 10 lacs, whereas it is specifically mentioned in the said FIR itself that on 27.8.2022 in the night at 3.00 a.m, father-in-law of the deceased, Surendra Kumar Sharma had informed to the complainant from his mobile to his mobile that Prachi (deceased) has hanged herself. Hence , as soon as he got the information, he immediately informed and he has not concealed any fact. In the FIR it is mentioned that there were injuries found on the dead body of the deceased, whereas as per postmortem report, there were only ligature mark present on the neck of the deceased which are natural due to

hanging of any body. The cause of death was asphyxia as a result of ante-mortem hanging. The viscera was preserved and sent to Forensic Science Laboratory, hence there was no other external antemortem injuries on the body of the deceased.

32. The statement of the complainant was recorded under Section 161 Cr.P.C, who has made general allegation, wherein there was no complaint during entire marriage till the date of death either of cruelty or of any demand of dowry. The marriage was took place on 29.1.2015 and the death took place on 27.8.2022 after seven years of the marriage. There were two children born from the wedlock. The minor daughter of the deceased had been examined during investigation and she had not made any allegation of causing cruelty or demand of additional dowry by the revisionists. After complete investigation, neither the case of dowry death was not found nor complicity of the revisionists was found, hence the charge sheet was filed only against husband Jitendra Kumar Gond under Sections 323, 498A, 306 IPC. There was no offence found against the revisionists, hence they have been exonerated after investigation and no charge sheet has been filed against them.

33. It is very astonish that in the entire FIR, no offence has to be made under Section 3/4 of Dowry Prohibition Act, 1961. Neither the FIR was lodged under Dowry Prohibition Act, nor charge sheet was filed against any accused under the Dowry Prohibition Act. After framing of charge, the statement of PW-1, Vinod Kumar Sharma was recorded on 25.4.2024 and his cross-examination was finally completed on 21.5.2024. He himself admitted that during entire period of marriage and till death, there was no complaint ever made by him about cruelty or additional demand of dowry, if any. PW-3, Parikshit Bhardwaj had recorded his evidence before the learned trial court on 4.7.2024. PW-4, Smt. Urmila, mother of the deceased had recorded her deposition on 23.8.2024 and her cross-examination was completed on 26.11.2024. The statement of PW-8, Aparna Bhardwaj, who is 'bhabhi' of the deceased had recorded her deposition on 28.2.2025 and her cross-examination was completed on 18.3.2025. There were no specific allegation either of cruelty or additional demand of dowry during entire subsistence of marriage by the revisionist.

34. After completion of fact evidences as well as formal evidence, the deposition of PW-1 was completed on 21.5.2025 and thereafter, the statements were recorded upto PW-8 and the session trial was almost near to the conclusion. Thereafter, an application under Section 319 Cr.P.C. has been filed on 4.4.2025 making general and vague allegation against the revisionists, whereas there was no specific allegation against them, neither in the FIR nor prior to the death of the deceased nor during entire investigation. They have been exonerated and no charge sheet was filed against them. The contents of application under Section 319 Cr.P.C are repetition of the same and the prayer was made to summon the revisionists under Section 319 Cr.P.C, whereas, ingredient of Section 319 Cr.P.C whatever is required as per settled law in **Hardeep Singh (supra)**, they were not fulfilled.

35. After consideration of all these facts and circumstances of the case and provisions of law, this Court is of the opinion that the impugned order dated 31.10.2025, passed by learned Additional Sessions Judge, Court No. 17, Agra in Session Trial No. 2243 of 2023 (State Vs. Jitendra Gond), cannot be sustained and same is hereby **set aside** and consequently all further orders passed on the basis of that order dated 31.10.2025 against the revisionists, is also hereby set aside.

36. In view of above, the criminal revision is **allowed**. However, the learned trial court is directed to decide pending session trial against other accused expeditiously in accordance with law.

(Abdul Shahid,J.)

February 4, 2026

sfa/