



2026:AHC:59559

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 12200 of 2024

Puneet Kumar Patel

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s)	:	Imtiyaj Ali, Shailesh Narayan Upadhyay
Counsel for Respondent(s)	:	Akhilesh Bharti, G.A., Kamlesh Prasad, Manoj Kumar

Court No. - 53

HON'BLE ABDUL SHAHID, J.

1. Heard learned counsel for the appellant, learned A.G.A. for the State and learned counsel for the opposite party no. 2/complainant.
2. The present criminal appeal has been filed against the summoning order dated 05.08.2024 passed by Special Judge (SC/ST Act) Prayagraj, in Special Sessions Trial No. 207/2024 (State vs. Ramesh Patel and others), under sections 323, 324, 504, 506, 308, 406 of IPC and 3 (2) Va of the SC/ST Act, Police Station-Utraon, District Prayagraj arising out of Case Crime No. 20/2023 and quashing charge sheet dated 30.12.2023.
3. Learned counsel for the appellant has submitted that the F.I.R. has been filed on an application dated 31.01.2023 to the concerned A.C.P. requesting him for the lodging of an F.I.R. against three persons including the appellant/Punit Kumar Patel.
4. As per complaint, it is stated by the complainant that on 04.01.2023, approximately at 10. A.M. while the first informant was out side for buying the vegetable he met with the accused persons at a country wine shop. After consuming alcohol, Ramesh allegedly left with an e-rickshaw towards Jagatpur where the co-accused Puneet Kumar Patel and Arun asked to borrow his mobile phone. Upon refusal, they allegedly assaulted him with sharp weapons. Later, the complainant become unconscious and found himself at Swarooprani Hospital.

5. On 31.03.2023, on the direction of the ACP (Handia), the present F.I.R. was registered on 10.02.2023 against three persons including the appellant in Case Crime No. 20 of 2023, under sections 323, 324, 504, 506, 308, 406 I.P.C. and 3(2)(V) SC/ST Act, Police Station Utraon, District Prayagraj.

6. As per the complaint, the date of occurrence is stated to be 04.01.2023, the application was moved on 31.01.2023. Thereafter, the F.I.R. was lodged on 01.02.2023 with a delay of 26 days. There is no reasonable and plausible explanation provided for such delay. The occurrence is appeared to be false, fabricated and concocted.

7. The Investigating Officer is recorded the statement of the complainant under section 161 Cr.P.C., wherein, the complainant merely repeated the version stated in the F.I.R. and made further improvement.

8. It is submitted by learned counsel for the appellant that the true facts are that the injured/complainant is an alcoholic and after consuming the wine, he met with a motor accident. The co-accused Ramesh Patel provided him assistance and did not meet the injured intentionally. The co-accused Ramesh Patel helped the injured solely due to the motor accident as the injured was lying on the road and the co-accused Ramesh alongwith his family members admitted him to the hospital.

9. The investigating officer has recorded the statement of the wife of the complainant under section 161 Cr.P.C. who is not an eye witness. She stated that Ramesh brought the injured to the house and mentioned that the injuries was due to an accident. The statement recorded under section 161 Cr.P.C. by the investigating officer of the case, from one Jitendra Bhartiya (brother-in-law of the informant) is false and fabricated and he has made a completely false case against the appellant. The I.O. has also recorded the statement of Sri Suresh Kumar who runs a dispensary. He stated that he does not remember the exact date but recalls that around 6.00 P.M., the co-accused Ramesh Patel brought the injured to the dispensary. After providing him primary treatment, he advised him to admit to a hospital. He has further stated that he knows the co-accused Ramesh well and his house is located more than 300 meter from the

dispensary.

10. As per medical report and supplementary report of the injuries, there is NAD mentioned in the report. From the charge sheet dated 30.12.2023 it is appeared that the I.O. has submitted a false, fabricated and concocted charge sheet against the three persons including the appellant.

11. Learned trial court without application of judicial mind and in the absence of any prima facie evidence passed a consequential summoning order dated 05.08.2024.

12. Learned counsel for the appellant has relied on the annexure no. 7/supplementary report issued by Post Graduate Department of Surgery MLN Medical College Prayagraj by doctor Rohit Singh Senior Resident Surgery Department which is as follows:

"Patient Shyam Chandra, 35 year, male S/o Late Bechan Lal, r/o Dadupur Motiha P/S Utraon Prayagraj was admitted to hospital on 04.01.2023 at 10.38 p.m. as a case of Medico legal injury due to alleged history of road Traffic Accident for Head injury and injury over right temporal region and left cheek mandibular area. Patient was managed by intubation and suturing of wound and iv antibiotics, antiepileptic analgesics and other supportive measures. Patient's condition improved and discharged on 23.01.2023 with proper advice and regular follow up."

13. Learned counsel for the appellant has specifically submitted that the injured has suffered injuries due to accident. He has suffered injuries on 04.01.2023 and he was discharged from M.L.N. Medical College Prayagraj on 23.01.2023. As per supplementary medical report, it is specifically mentioned that he was admitted to the hospital on 04.01.2023 due to alleged history of road traffic accident of head injury. He has further submitted that there is no reference to any injury to the injured on his eye. He has further submitted that there is no reference that the injured has been referred for further any treatment about his eye to any higher department.

14. Learned counsel for the appellant has further relied on the judgment passed by this Court in ***Criminal Appeal No. 12117 of 2024 (Ramesh***

***Patel Versus State of U.P. and another)* decided on 16.02.2026: 2026 :AHC: 33862** related with the co-accused of this case i.e. Ramesh Patel against whom the entire criminal proceedings of the present Special Session Trial No. 207 of 2024 are hereby quashed.

15. Learned counsel for the appellant has further relied on the law laid down by this Court in ***Alka Sethi and another Versus State of U.P. and 4 others, (2024) 3 ACR 158***, wherein, it has been prayed that the proceedings of this case be quashed. He has further submitted that as per the F.I.R. there are injuries caused by the incised weapon but no injuries of incised wound has been found on the body of the injured.

16. Learned counsel for the opposite party no. 2/informant has filed counter affidavit and relied on para no. 6 stating that *"in the said incident, applicant lost his vision on his left eye, he is under treatment of AIIMS Delhi, where the doctor clearly opined that he lost his left eye vision, due to said injury."*

17. In the Annexure No. CA-2, it is mentioned that discharge ticket is issued by the department of General Surgery of the injured, date of admission is 04.01.2023 and date of discharge is 23.01.2023 and it is mentioned as follows:

"Pt. manage by consow always by IVF antibiotic analysis antacid and antiseptic pt. presented with GCS E1V1M2 and laceration over Rt. Temporal region and Lt. cheek over mandibular area. Pt managed by intubation and bag and maik ventilation and suturing and dressing LA in minor Pt. condution improved and discharge with proper advice and regular follow up on 23.01.2023

systemic examination- CNS-at hmcofadmisown

GCS-E1V1M2 Pupil Constructes and non reaction.

At time of discharge

CGS-E4V5M6

Pupil- Rt. Eye NSNR

Lt. eye- Dilated & sluggish.

CUS SM2+ nomarmus

NS- B/L

P/A Soft not tender.

History-

Pt. presented with A/H/O H with MB/DH

RTA on 04.01.2023 at 6.00PM

Laceration over Rt. Temporal region 7cm x1cm Laceration over Lt. cheek (7 x 1cm) Mandibular area Pain and bleeding at site of injury since injury. Complete loss of site in Lt. eye since injury General Examination.

Vital Pailor

GC-Av Ktiry

Tem-aleb cyanosis

PR-84 Clubbing

SPO2-99% LAP

BP-126/84n mmHg

Edema"

18. Learned counsel for the opposite party no. 2 has further relied on the injuries of the injured which is as follows:

"C/o assault by 3 people (trauma to head) and knife injuries.

04.01.2023

Patient presented with laceration over temporal region and left cheek for mandible area pain and bleeding at.. of injury.

Puipits NSNR

Deleted suggest

They presented to wetre eye Rt. LR Palsy present Hospital on 07.02.2023 where he presented with loss of vision and developing of Lt. upper lid.

SES of Lt. optic atrophy was made."

19. Learned counsel for the opposite party no. 2 has further relied on the medical report which is as follows:

"Super Speciality Block

V.M.M.C. & Safdarjung Hospital, New Delhi-110029

Consulting Room No. 223, Token No.: 15

Clinic Neurology Clinic

Days: Mon, Thu

EHR ID: 23000266012989938

OUT PATIENT RECORD

Name Mr. Shyam Chandra

Department: Neurology

Dept. No.: 2023/077/0003480

Date of Registration: 23.02.2023, 08.43 AM

Age: 37Y/M 9D

Address: Badarpur, South Delhi, Delhi, India

S/o Bechan Lal

Prepared by: Mrs. SSBDEO DEEPSHIKHA OPD

H/o assault 4/jan/2023

C/o- L eye vision loss after the event

C/o R facial weakness.

C/o mild hearing Rt. Ear.

O/E-Rt. 6/7th LMN Palsy +

Rt. V2 sensory denunciation 30-40%

No long tract sign

Pupil-L RAPD

Adv.

1. PTA

2. CEMRI Brain with USG"

20. As per the F.I.R. the complainant has specifically assigned the role of Puneet Kumar Patel and Arun Patel that they had hit the fist on his eye and also hit with the incised weapon. The F.I.R. was lodged. The delay, if any, it is to be seen at the stage of trial and also addressed the injured with caste related remarks and having hurling abuses.

21. The case of **Ramesh Patel** (supra) is entirely different from this case. In **Ramesh Patel** (supra) it has been reasoned by the learned court that the respondent/informant has stated that other two accused took Rs. 1500 from him but they did not return. No such allegation is against the appellant as well as there is no evidence on record to suggest involvement of appellant in the alleged incident. The role of the appellant/Puneet Kumar Patel has been specifically assigned.

22. There is specific role of hitting the eye of the injured by way of fist and he is in continuation of treatment since then. Neither any mini trial nor any meticulous evidence is possible at this stage.

23. In view of the aforesaid facts, reasons and circumstances, the present criminal appeal is liable to be dismissed and it is dismissed accordingly.

March 23, 2026

K.K. Maurya

(Abdul Shahid,J.)