



2026:AHJ:55488

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 7591 of 2025

Akash Verma

.....Revisionist(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Revisionist(s)	:	Himanshu Mishra
Counsel for Opposite Party(s)	:	Amarnath Tripathi, G.A.

Court No. - 89

HON'BLE DIVESH CHANDRA SAMANT, J.

1. List revised. Heard learned counsel for the Revisionist and the learned AGA for the State. None appeared on behalf of Opposite Party No. 2.

2. The present criminal revision has been filed to quash the impugned order dated 22.09.2025, passed by the Additional Sessions Judge / Special Judge (POCSO Act), Court No. 28, Agra. By the said order, the application of the first informant under Section 358(2) BNSS [formerly Section 319 Cr.P.C.] was allowed, and the learned trial court summoned the present Revisionist to face trial under Sections 376, 506, and 120-B of the IPC (corresponding to Sections 64, 351(1), and 61(2) of the BNS) in Sessions Case No. 1094 of 2023 (*State vs. Uday Verma*), arising out of Case Crime No. 20 of 2024, registered under Sections 376, 384 IPC and 3/4 of the POCSO Act, Police Station Hariparvat, District Agra.

3. The facts giving rise to the present case, in brief, are that the informant/complainant lodged an FIR on 13.01.2023. It was alleged that his minor daughter (the victim), a 16-year-old student, was induced and lured away from school by one Uday Verma. The accused allegedly took obscene photographs of the victim under duress, used them for intimidation, and subjected her to non-consensual sexual exploitation. Furthermore, the accused recorded videos of these acts to blackmail the victim, demanding Rs. 50,000 as extortion. Due to trauma, the victim stopped attending school. Upon being questioned by the informant, she revealed the ordeal and handed over a pen drive containing the explicit material. The incident traces back to 14.09.2022.

4. During the investigation, the Investigating Officer recorded the statement of the victim under Section 161 Cr.P.C., wherein she reiterated the FIR allegations but did not level specific allegations against the present

Revisionist. Consequently, the Investigating Officer submitted a charge sheet only against Uday Verma. However, in her statement recorded under Section 164 Cr.P.C., the victim alleged that the Revisionist was present on the spot and that both the co-accused Uday Verma and the Revisionist committed rape upon her. Based on this, an application under Section 358(2) BNSS was moved to summon the Revisionist, Akash Verma, which was allowed by the impugned order.

5. Learned counsel for the Revisionist submitted that the Revisionist was neither named in the FIR nor in the statement under Section 161 Cr.P.C. His name surfaced for the first time in the Section 164 Cr.P.C. statement without any explanation for the delay. It was further argued that the Investigating Officer had initially investigated Akash Verma but subsequently submitted a Final Report in his favor. Learned counsel further contended that the implication is a result of prior enmity between the families and that the trial court passed the summoning order in a cursory, arbitrary manner.

6. Per contra, the learned AGA vehemently opposed the revision, stating that in cases of sexual violence, victims often hesitate to disclose the full extent of the ordeal initially due to fear or "public shame." It was submitted that the victim felt comfortable and fearless only while recording her statement before the Magistrate under Section 164 Cr.P.C. learned AGA submitted that the trial Court properly evaluated the evidence of the victim and the medical reports, which supported the allegations against the Revisionist.

7. After considering the rival submissions and perusing the record, it appears that while the Revisionist was not named in the initial FIR or the Section 161 statement, the victim specifically detailed his role in her Section 164 Cr.P.C. statement regarding a second incident occurring after Diwali. This narration was also found to be consistent with the medical examination reports.

8. It is a well-established principle that at the stage of summoning, the trial court is required to evaluate whether the material on record discloses a grave suspicion. The proposed accused has no right to lead evidence at this stage. Furthermore, the revisional jurisdiction of this Court is limited; it is not intended for the re-appreciation of evidence as if it were an appeal.

9. For consideration of application under Section 319 Cr.P.C., the Hon'ble Apex Court has laid down the guiding principle in the case of **Hardeep Singh vs State Of Punjab & Ors, (2014) 3 SCC 92 (Constitutional Bench)**, that the power to summon a person as an accused under Section 319 Cr.P.C. is discretionary and extraordinary and it should be exercised sparingly for summoning any person. The evidence adduced before the

Court must be strong and cogent suggesting a greater than prima-facie case though it need not to be proved beyond reasonable doubt. The evidence should be such that if unrebutted it would lead to the conviction of the person being summoned.

10. If in any case an accused has been discharged by the trial Court even then the power under Section 319 Cr.P.C. can be invoked against such person. This principle has been laid down by the Hon'ble Apex Court in the case of **Sukhpal Singh Khaira vs The State Of Punjab, (2023) 1 SCC 289**, the Hon'ble Apex Court has reiterated the necessity of strong and cogent evidence as laid down in **Hardeep Singh (supra)** and further clarified that merely because a person was discharged does not shield them from being summoned if, during the trial of the co-accused, strong evidence surfaces against them.

11. In a case of **Juhru and others Vs. Karim and another (2023) 5 SCC 406**, the Hon'ble Apex Court has reiterated the requirement of high standard of evidence. The Hon'ble Court stressed that the standard for summoning an additional accused under Section 319 Cr.P.C. is much higher than the standard required for framing a charge. It must be strong and credible evidence, pointing to the person's complicity.

12. The reliance has been placed by the Revisionist on the case of **Brijendra Singh & Ors. versus State of Rajeasthan, 2017 (7) SCC 706**, wherein, the Hon'ble Apex Court has referred the **Hardeep Singh (supra)** case which is already mentioned herein above.

13. In the present case, the victim's statement indicates the direct involvement of the Revisionist. Whether her statement is entirely truthful or contains improvements is a matter of trial and cross-examination. At this stage, the material is sufficient to raise a strong suspicion of the Revisionist's involvement in the alleged sexual offense.

14. A perusal of the record shows no illegality, irregularity, or jurisdictional error in the impugned order. The learned trial court has reasonably exercised its discretion based on the victim's testimony and corroborative medical examination.

15. Accordingly, the revision lacks merit and is hereby **dismissed**.

March 18, 2026
I.A.Siddiqui

(Divesh Chandra Samant,J.)