2026:AHC:227566

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 4330 of 2025

Motiur Rahman

.....Revisionist(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Revisionist(s)	:	Dileep Kumar Srivastava
Counsel for Opposite Party(s)	:	G.A.

Court No. - 92

HON'BLE SUBHASH VIDYARTHI, J.

1. Heard Sri Dileep Kumar Srivastava, the learned counsel for the revisionist and Sri Rajesh Kumar Mishra, the learned AGA for the State of U.P.

2. By means of the instant revision, the revisionist has challenged the validity of a judgment and order dated 10.06.2025 passed by learned Additional Session Judge, Fast Track Court first, Ghaziabad in Session Trial No.186 of 2025 arising out of Case Crime No.254 of 2024 under Sections 328, 376, 506 IPC registered in Police Station- Tronika City, District- Ghaziabad.

3. The aforesaid case was instituted on the basis of an FIR lodged on by the opposite party No.2 on 02.06.2024 alleging that she was aged 25 years and she was teaching in a Madrasa for the past 10 years, which was being run for the past two years by the revisionist. She stated that her marriage was settled about 8 months ago. Two months after settlement of her marriage, the revisionist administered some intoxicating substance to her, raped her and prepared a video of the incident and, thereafter, he kept on harassing the revisionist mentally and physically and threatened her to spread the video virally. The informant got married on 12.05.2024 but the revisionist kept on threatening to spread the video virally and told the entire thing to her husband due to which the husband of the complainant dropped her back at her parents' home.

4. In the statements recorded under Section 161 and 164 Cr.P.C., the revisionist reiterated the FIR version and stated that the revisionist had called her in a computer lab and gave her water to drink. After drinking which, she felt unconscious and the revisionist raped her.

5. After investigation, the Investigating Officer submitted a charge-sheet dated 02.06.2024 and the trial court took cognizance of the offence on 06.06.2024.

6. The revisionist filed an application seeking discharge stating that the complainant has not disclosed any specific date and time of the incident, there are contradictions in his statement and the allegations are not supported by the medical report. The revisionist also stated that the FIR has been lodged belatedly. No video has been recovered as has been alleged in the FIR.

7. The trial court rejected the discharge application by the impugned order dated 10.06.2025 stating that the allegations leveled in the FIR and the statements given under Section 161 and 164 CrPC make out a prima-facie case warranting trial of the revisionist.

8. At the stage of consideration an application seeking discharge, the trial court is merely required to examine and ascertain whether a prima-facie case is made out on the basis of prosecution material and whether the prosecution material, if the same remains unrebutted, can lead to conviction of the accused.

9. In the present case, the FIR allegations are supported by the statements of the prosecutrix recorded under Section 161 and 164 CrPC and in case the same are taken to be true on their face value, the same can possibly lead to conviction of the revisionist.

10. In these circumstances, a detailed scrutiny of the allegations on the basis of evidence to be led during trial is required to ascertain the correctness of the allegations. The correctness of the allegations can be ascertained only after conclusion of the trial after the parties lead evidence in support of their respective cases.

11. The trial court has not committed any error of illegality in rejecting the discharge application of revisionist.

12. The revision lacks merit and the same is **dismissed** accordingly.

November 2, 2026
-Amit K-

(Subhash Vidyarthi,J.)

Digitally signed by :-
AMIT KUMAR
High Court of Judicature at Allahabad