HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 4419 of 2025

Har Prashad And Another

.....Revisionist(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Revisionist(s)	:	Dinesh Kumar
Counsel for Opposite Party(s)	:	G.A., Romeshwari Prasad

Court No. - 92

HON'BLE SUBHASH VIDYARTHI, J.

1. Heard Sri Anil Kumar, Senior Advocate assisted by Sri Dinesh Kumar, the learned counsel for the revisionists, Sri Ram Kumar Verma, the learned AGA for the State and Sri Romeshwari Prasad, the learned counsel for the opposite party No.2.

2. By means of the instant revision, the revisionists have challenged the validity of an order dated 07.04.2025 passed by the learned Session Judge, Mathura in Session Trial No.138 of 2025 whereby an application filed by the revisionist seeking their discharge has been rejected. Thereafter, the trial court proceeded to pass an order dated 02.06.2025 framing charges against the accused persons and the revisionists have challenged the validity of that order also.

3. The aforesaid case was instituted on the basis of an FIR lodged on 26.06.2024 against four persons, including the revisionists, stating that when the complainant's uncle was returning after performing his duty in Pepsi Company along with his friend Ratan Singh at about 10:00 PM on 25.06.2024, co-accused persons Amit Singh and Naveen came there on a motorcycle which was not bearing any registration plate and they shot on the head of the complainant's uncle due to which he fell down on the spot and the accused persons ran away. One Manjeet Singh who was present at a Hanuman temple nearby had also witnessed the incident. Manjeet Singh and Ratan Singh tried to catch hold of the miscreants but they escaped.

4. In the statement of the complainant recorded by the investigating officer, he stated that there was an old animosity between his side and the accused

persons, Rambeer son of Ratan Singh, Har Prasad son of Ratan Singh and Pintu son of Har Prasad due to which the accused persons hatched a conspiracy and killed his uncle.

5. The eye-witness Ratan Singh also stated that Har Prasad and his brother Rambeer (the revisionists) have caused the incident under a conspiracy and Pintu @ Amit and his accomplice Naveen killed the complainant's uncle under instructions of Har Prasad and uncle Rambeer.

6. After investigation, the investigating officer submitted a charge sheet and the trial court took cognizance of the offence and summoned the accused persons to face the trial.

7. The revisionists filed an application before the Session Judge, Mathura seeking their discharge stating that the investigating officer could not collect any evidence connecting the revisionist with the incident. The mere allegation of a conspiracy would not make the revisionists an accused for the said offence.

8. The trial court rejected the discharge application by the impugned order dated 07.04.2025 wherein it is recorded that the first information report states that the complainant's uncle was killed by shooting at his head under a conspiracy because of an old animosity against accused persons Rambeer, Har Prasad and Pintu. The trial court held that allegations have been levelled that the accused Amit was having an illicit affair with the wife of the deceased. The deceased came to know about it. He saw Amit with his wife in an objectionable condition due to which a dispute took place. Naresh and Raju have stated that they had seen Har Prasad, Rambeer and Pintu together and Rambeer had given a pistol to Pintu which was used in the incident, which makes out a prima facie case for trial. The trial court further held that the correctness of the allegations will have to be adjudicated in light of the evidence to be led during the trial.

9. The trial court has passed the aforesaid order after a proper scrutiny of the FIR allegations and the material collected during investigation and the statements recorded by the investigating officer.

10. 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.

11. The learned counsel for the revisionists has submitted, while assailing the validity of the order dated 02.06.2025 framing charges, that the order does not record the date, time and place of entering into conspiracy. While framing charges, the trial court is not required to write a judgment holding the accused persons guilty. The trial court is merely required to put it on record as to for what charges the accused will be tried. The order clearly formulates the charges against the accused persons. The detailed facts would come in the evidence to be led by the respective party in support of the charges as well as in defence which will be scrutinized and adjudicated by the trial court upon conclusion of the trial.

12. A mere non-mention of the date, time and place of entering into a criminal conspiracy for commission of the alleged offence will not make out a case for quashing the order framing charges.

13. In view of the foregoing discussion, I find no error or illegality in the impugned order dated 07.04.2025 passed by the learned Session Judge, Mathura in Session Trial No.138 of 2025 passed by the trial court.

14. The revision lacks merit and is, accordingly, **dismissed**.

November 2, 2026
-Amit K-

(Subhash Vidyarthi,J.)

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