2026:AHC:209004

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 7367 of 2026

Ravi Chaudhary @ Ravi Puniya And 2 Others

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s)	:	Deisy Pundir, Rahul Singh Tomar
Counsel for Respondent(s)	:	Amar Jeet Upadhyay, G.A.

Court No. - 91

HON'BLE SANTOSH RAI, J.

1. Heard learned counsel for the appellants/applicants, learned counsel for opposite party no.2 and learned AGA for the State.

2. The present criminal appeal has been filed by the appellants with a prayer to set aside the impugned order dated 7.7.2026 passed by Additional Session Judge/Special Judge (SC/ST Act), Meerut in Case No.354 of 2024 (State Vs. Ravi Chaudhary @ Ravi Puniya & Ors.), arising out of Case Crime No.317 of 2023, under Sections 352, 324, 324 IPC and Section 3(2)(va) of SC/ST Act, Police Station Daurala, District Meerut.

3. Learned counsel for the appellants submits that the learned trial court has erred in framing the additional charge under Section 307 IPC and Section 3(2)(5) of the SC/ST Act. It is contended that, as is evident from the statement of the doctor, the essential ingredients of the alleged offence under Section 307 IPC are not made out. The medical evidence does not support the prosecution version to the extent required for framing the said charge. It is, therefore, submitted that the impugned order framing the additional charge is legally unsustainable and is liable to be set aside.

4. Learned counsel for opposite party no.2, as well as learned AGA, has opposed the submissions advanced on behalf of the appellants and submitts that the learned trial court has rightly framed the additional charge under Section 307 IPC and Section 3(2)(5) of the SC/ST Act. It is contended that the statement of the injured, the injury report and other

material available on record prima facie disclose the commission of the alleged offence. The injured had sustained multiple stab wounds caused by a sharp-edged weapon, besides several lacerated wounds, which were opined to be grievous in nature. It is, therefore, submitted that no illegality or infirmity has been committed by the learned trial court in framing the additional charges and the appeal is liable to be dismissed.

5. An application under Section 216 Cr.P.C. was moved by the informant, Abhishek, seeking alteration/addition of the charges. It appears from the record that, during the course of investigation, the statements of the injured, the complainant and other witnesses were recorded, and thereafter the Investigating Officer submitted the charge-sheet under Sections 352, 324, 323 IPC and Section 3(2)(va) of the SC/ST Act. During the course of proceedings, the prosecution moved an application seeking framing of additional charges under Section 307 IPC and Section 3(2)(5) of the SC/ST Act against the accused-applicants, drawing the attention of the learned trial court to the injury report of the injured Ankur Raj. A perusal of the injury report reveals that the injured was assaulted with a sharp-edged weapon (screwdriver/knife), and the injuries were opined to be grievous in nature. The injury report records multiple stab wounds over the right side of the chest, abdomen, left side of the chest, left shoulder, left upper arm, mid-point eyebrows just above the nose, besides three long lacerated wounds over the left scalp. Learned counsel for the accused-applicant has submitted that, in view of the statement of the doctor, the ingredients of Section 307 IPC are not made out.

6. However, having regard to the statement of the injured, the nature, number and location of the injuries reflected in the medical report, as well as the other material available on record, this Court is of the considered opinion that the learned trial court has rightly framed the additional charges under Section 307 IPC and Section 3(2)(5) of the SC/ST Act. At the stage of framing of charge, the Court is not required to conduct a meticulous appreciation of the evidence or to determine whether the prosecution would ultimately succeed in proving the charge beyond reasonable doubt. If the material on record gives rise to a strong suspicion regarding the commission of the alleged offence by the accused, framing of charge is justified.

7. The Hon'ble Supreme Court in **Anant Prakash Sinha @ Anant Sinha v. State of Haryana and Anr (Criminal Appeal No.131 of 2016)** decided on 4.3.2016, held in para 20 of the judgment as under:-

"20. Being of this view, this Court upheld the order passed by the High Court. The said decision is, in our opinion, is distinguishable on facts. The instant case does not pertain to trial or any area by which a private lawyer takes control of the proceedings. As is evident, an application was filed by the informant to add a charge under Section 406 IPC as there were allegations against the husband about the criminal breach of trust as far as her stridhan is concerned. It was, in a way, bringing to the notice of the learned Magistrate about the defect in framing of the charge. The court could have done it suo motu. In such a situation, we do not find any fault on the part of learned Magistrate in entertaining the said application."

8. The Hon'ble Supreme Court in **Anant Prakash Sinha @ Anant Sinha v. State of Haryana and Anr. (supra)** clarified the legal position by holding that a private person or informant may move an application under Section 216 Cr.P.C. to invite the Court's attention for alteration or addition of charge. However, the ultimate discretion to alter or add the charge continues to vest exclusively with the Court

9. In the facts and circumstances of the present case, the material available on record gives rise to such strong suspicion against the accused-applicants. No illegality or perversity is, therefore, found in the impugned order warranting interference by this Court.

10. The instant appeal, being devoid of merit, stands **dismissed**.

11. The appellants are directed to appear before the court concerned and move bail application, within two weeks from today. It is also made clear that no time extension application shall be moved before this Court by the appellants.

12. In case, the appellants move bail application before the court concerned, the same shall be considered and decided by the trial court expeditiously and preferably on the same day, in light of principles laid down by the Supreme Court as well as this Court regarding surrender and bail.

13. In case, the appellants fail to appear before the court concerned within the stipulated period, the trial court will be at liberty to adopt appropriate coercive proceedings, in accordance with law, for securing the presence of the appellants.

14. Registrar (Compliance) is directed to serve a copy of this order by FAX/e-mail to the court concerned through District & Sessions Judge concerned within 48 hours.

(Santosh Rai,J.)

October 6, 2026
RA

Digitally signed by :-
RAZIQ ALI
High Court of Judicature at Allahabad