2026:AHC:211001

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 5762 of 2026

Anees And 2 Others

.....Revisionist(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Revisionist(s)	:	Vikrant Gupta
Counsel for Opposite Party(s)	:	G.A.

Court No. - 85

HON'BLE SANJIV KUMAR, J.

1. Heard Shri Vikrant Gupta, learned Counsel for the revisionists and Shri Rakesh Kumar Rao, learned A.G.A. on behalf of the State.

2. This criminal revision has been filed against the impugned order dated 16.06.2026 as well as order dated 29.06.2026 passed by Additional Sessions Judge, Court No.2, Rampur in Session Trial No.475 of 2026 (State Vs. Anish and Others).

3. By the impugned order dated 16.06.2026 the discharge application of the revisionists was rejected and *vide* impugned order dated 29.06.2026, charges has been framed against the revisionists under Section 307 I.P.C.

4. It is submitted by learned Counsel for the revisionists that both the impugned orders are not sustainable in the eye of law, because in the present case, the matter was investigated twice and on both the occasions, no sufficient evidence was found by the I.O. and, therefore, had filed final report (closure report). It is upon protest petition filed by the informant that the revisionists have been summoned under Section 307 I.P.C. It is also submitted that the firearm, pellets, plastic wad and clothes of the injured were sent for forensic examination. As per report, the size of injury no.1 of the injured did not match with the size of hole over shirt. Therefore, there was no evidence that the revisionists were involved in the crime and as such both the impugned orders are liable to be set aside.

5. Per contra, learned A.G.A. on behalf of the State submits that there is sufficient evidence against the revisionists and the learned Trial Court has

rightly rejected the discharge application and has framed charge under Section 307 I.P.C. It is further submitted that the F.I.R. has been lodged within two and a half an hour of the incident. The revisionists are named in the F.I.R. The injured, informant and other witnesses have stated that it was the revisionists who had reached at the spot and fired at the injured, causing him injuries. It is also submitted that as per injury report of injured Rashid, he sustained three injuries of the nature of lacerated wound and X-Ray was advised. In supplementary report multiple solid circular foreign metallic body were found over right shoulder which were removed and hence, injury was caused by firearm and is simple in nature. In view of the above, this revision has no force and is liable to be dismissed.

6. It is settled law that, at the stage of framing of charge, the Trial Court is not required to examine and assess in detail the material placed on record by the prosecution, nor is it for the Court to consider the sufficiency of such material to establish the offence alleged against the accused persons. Marshalling and appreciation of evidence at the stage of framing of charge do not fall within the domain of the Court. In **State of Orissa v. Debendra Nath Padhi, 2005 (51) ACC 209**, a three-Judge Bench of the Hon'ble Supreme Court held that a roving and fishing inquiry at the stage of framing of charge under Section 228 Cr.P.C. or discharge of the accused under Section 227 Cr.P.C. is not permissible, as it would amount to a mini-trial at the stage of framing of charge and would be contrary to the settled principles of criminal jurisprudence. It is also well established that the assessment of the truthfulness, sufficiency and acceptability of the material produced at the time of framing of charge can be undertaken only during the trial. A charge can be framed even on the basis of a strong suspicion founded upon the material available before the Court, which leads it to form a presumptive opinion regarding the existence of the factual ingredients constituting the offence alleged, therefore, learned trial court has not committed any illegality and infirmity in passing the impugned order.

7. In view of the submissions of learned Counsel for both the parties and on perusal of record, it is clear that by the impugned order dated 16.06.2026 the discharge application has been rejected and *vide* impugned order dated 29.06.2026 charges has been framed against the revisionists. The learned Trial Court has considered all the material on record and observed that the informant and other witnesses have supported the prosecution case. The grounds raised on behalf of the accused related to examination or evaluation

of evidence which can be examined only after evidence is led by both the parties. Further, even on grave suspicion charge can be framed. In view of the above, it is held that the impugned orders does not suffer from any illegality and infirmity and do not warrant interference by this Court in this revision.

8. Therefore, this Criminal Revision has no force and it is, accordingly, **dismissed**.

October 8, 2026
AdityaG

(Sanjiv Kumar,J.)

Digitally signed by :-
ADITYA GAUTAM
High Court of Judicature at Allahabad