2026:AHC:209702

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 5896 of 2026

Vivek Singh And 3 Others

.....Revisionist(s)

Versus

State Of U.P. And 2 Others

.....Opposite Party(s)

Counsel for Revisionist(s)	:	Amit Kumar Singh
Counsel for Opposite Party(s)	:	G.A., Mayank Mohan Dutt Mishra

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Court No. - 85

HON'BLE SANJIV KUMAR, J.

1. Heard Mr. Amit Kumar Singh, learned counsel for the revisionists, learned AGA for the State, Mr. Mayank Mohan Dutt Mishra, learned counsel for opposite party no.3 and perused the record.

2. This Criminal Revision under Section 438/442 of Bhartiya Nagarik Suraksha Sanhita, 2023 (in short 'BNSS') has been filed against impugned order dated 29.07.2026 passed by Trial Court in Case No. 207 of 2021, arising out of Case Case Crime No. 19 of 2018, under Sections 498-A, 504, 506 IPC and Section 3/4 D.P. Act, Police Station Mahila Thana, District Gorakhpur, whereby the discharge application of the revisionists has been rejected and the case has been fixed for framing of charge.

3. Learned counsel for the revisionists submits that the impugned order is not sustainable in the eye of law, as there is no evidence on record against the revisionists for framing charge against them. It is further submitted that revisionist no.1 is the husband, revisionist no.2 is the father-in-law, revisionist no.3 is mother-in-law and revisionist no.4 is the sister-in-law (Nanad), of the victim, who is opposite party no.3 in this revision. It is contended that there are general allegations against revisionist nos. 2 to 4. It is also contended that there is no injury report of the victim and even no explanation of delay regarding the lodging of FIR has been given. Therefore, the impugned order suffers from material irregularity and illegality and is liable to be set aside.

4. Per contra, learned counsel for opposite party no.3 and learned AGA

submits that there is no illegality or infirmity in the impugned order. All the issues raised before this Court have already been considered by the Trial Court and most of them relate to appreciation of evidence, which can be done only after evidence is led by both the parties during trial. It is also contended that even on prima facie evidence, charge can be framed. There is sufficient evidence against the revisionists for framing of charge against them, therefore, this criminal revision is devoid of merit and liable to be dismissed.

5. In view of submissions of both the parties and upon a perusal of material on record, it is clear that this revision has been filed against the order by which the discharge application of the revisionists has been dismissed. 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.

6. From a perusal of the impugned order, it appears that the Trial Court has observed that the grounds raised in the discharge application consists of mixed question of facts and law, which can be determined only after evidence is led by both the parties during the course of trial. The revisionist has annexed the statement of the first informant, who is the

father of the victim, the statement of mother of the victim and the victim, who have supported the prosecution version and stated that the revisionists committed cruelty and harassment with the victim and on 16.12.2018, they kicked her out of her matrimonial home for want of Rs.3,00,000/- in the form of dowry. Even on grave suspicion, charge can be framed against the accused. Therefore, there is no illegality or infirmity in the impugned order warranting interference by this Court.

7. This Criminal Revision is devoid of merit and it is, accordingly, **dismissed**.

(Sanjiv Kumar,J.)

October 7, 2026
Subham

Digitally signed by :-
SUBHAM KUSHWAHA
High Court of Judicature at Allahabad