2026:AHC:210796

# HIGH COURT OF JUDICATURE AT ALLAHABAD

**CRIMINAL APPEAL No. - 9918 of 2026**

Acharja Devi

.....Appellant(s)

Versus

State Of U.P. And 4 Others

.....Respondent(s)

| | | |
|---|---|---|
| Counsel for Appellant(s) | : | Ram Krishna Mishra, Ramesh Chandra Yadav |
| Counsel for Respondent(s) | : | G.A. |

**Court No. - 91**

**HON'BLE SANTOSH RAI, J.**

1. Notice has not been issued to O.P. Nos.2 to 5.

2. Heard learned counsel for the appellant and learned AGA for the State.

3. The present criminal appeal has been filed by the appellant against the impugned order dated 29.08.2026 passed by learned Special Judge (S.C./S.T. Act), Azamgarh in Criminal Misc. Case No.254 of 2023 (Acharja Devi vs. State) arising out of Case Crime No.117 of 2023 under Sections 307, 504, 506 and 34 IPC and Section 3(1)(r), 3(1)(s) and 3(2)(v) of the SC/ST (PA) Act, Police Station- Meh Nagar, District- Azamgarh, by which the protest application filed by the appellant was rejected.

4. In the FIR, four accused persons, namely, Virendra Yadav, Ram Karan Yadav, Vinay and Sanjay, along with one unknown person, have been named. The allegation against the accused persons is that they forcibly intoxicated the injured, thereafter caused injuries to him,

5. Learned counsel for the appellant submits that the learned court below has illegally and arbitrarily rejected the protest petition without properly considering the medical report and other material on record. It is submitted that the injured had sustained serious head injuries, yet the Investigating Officer neither recorded his statement nor fairly investigated the matter and submitted the final report in favour of the accused. It is further submitted that the allegations regarding assault with knife, iron rod and firearm, as well as the circumstances in which the injured was

taken to the hospital, were not properly investigated. The learned court below failed to consider the material evidence and medical documents and, therefore, the impugned order dated 29.08.2026 is liable to be quashed and the protest petition deserves to be allowed.

6. Learned A.G.A., opposing the appeal, submits that the Investigating Officer conducted the investigation and, after recording the statements of the relevant witnesses and considering the available material, submitted the final report. The learned court below considered the material available on record and rightly rejected the protest petition. It is submitted that the allegations of unfair investigation or collusion are merely bald assertions of the appellant and no sufficient material has been shown to warrant interference with the impugned order. Accordingly, the appeal is liable to be dismissed.

7. Admittedly, when the information regarding the incident was received by the complainant, who is the mother of the injured, her statement under Section 161 Cr.P.C. was recorded. The averments made in the FIR were based upon the information received from another person and, therefore, to that extent, the allegations are in the nature of hearsay evidence. During the course of investigation, the statement of the injured, Mishore, was also recorded by the Investigating Officer. In his statement, the injured stated that he had fallen from his motorcycle and sustained injuries and that, at the time of the incident, he was in a drunken condition. Further, from the statement of Dr. Rajendra Prasad, it appears that the injured was under the influence of alcohol at the relevant time and that the injuries sustained by him was accidental. At this stage, in view of the statement of the injured himself and the medical evidence available on record, it appears that the injuries sustained by the injured were the result of an accident rather than having been caused by the accused persons in the manner alleged in the FIR.

8. Thus, having considered the entire facts and circumstances of the case, the material and evidence available on record, the submissions advanced by the learned counsel for the parties, this court is of the considered opinion that the learned trial court has rightly rejected the protest petition filed by the complainant/appellant and accepted the final report submitted.

No ground for interference is made out.

9. The appeal, being devoid of merits, is accordingly **dismissed**.

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

**(Santosh Rai,J.)**

**October 8, 2026**
Ankit.

Digitally signed by :-
ANKIT VISHWAKARMA
High Court of Judicature at Allahabad