2026:AHC:208699

HIGH COURT OF JUDICATURE AT ALLAHABAD

MATTERS UNDER ARTICLE 227 No. - 14012 of 2026

Brijbhan

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Ram Tiwari
Counsel for Respondent(s)	:	Ashish Mishra, G.A.

Court No. - 55

HON'BLE VIKRAM D. CHAUHAN, J.

1. The present petition is filed by the petitioner seeking following reliefs:

"i) issue an order or direction to the respondent no.03 to make inquiry of changing of the statement of the P.W.1 Smt. Shashiwala dated 08.02.2019 recorded by the learned Trail Court in Trail of Criminal Case No. 245 of 2022 (State Vs. Brijbhal and others) related to Case Crime No. 1156 of 2006 u/s 498A, 323 IPC & 4 D.P. Act. Police Station Chandausi District Moradabad (now District is Sambhal) in view of the representation dated 10.08.2026 and 19.08.2026 filled by the accused/petitioner, expeditiously within stipulated period.

ii) issue an order or direction to the Respondent no.2 & 3 to preserve and secure the original judicial records including the original statement/cross-examination of the P.W.1 Smt. Shashiwala recorded on 08.02.2019 in Trial Case/Criminal Case No. 528 Of 2022 (State Vs. Brijbhal and others) related to Case Crime No. 1156 of 2006 u/s 498A, 323 IPC & 4 D.P. Act. Police Station Chandausi District Moradabad (now District is Sambhal)."

2. It is submitted by learned counsel for the petitioner that the petitioner is the husband who has been convicted under Section 498A, 323 I.P.C. and Section 4 of Dowry Prohibition Act. Against the conviction order, the petitioner has preferred a criminal appeal before the appellate court, which is pending consideration. The statement of P.W.1-informant was recorded by the trial court. A certified copy of the same was issued to the

petitioner at the first instance on 16.5.2024. Subsequently, after conviction, it was found that there was interpolation in the statement of P.W.1-informant. Thereafter, the second certified copy has been issued to the petitioner on 20.8.2026.

3. It is further submitted by learned counsel for the petitioner that since there was interpolation in the statement of P.W.1-informant, therefore, an application was being preferred before the appellate court for holding an inquiry.

4. On a pointed query being made to learned counsel for the petitioner as to whether the certified copy, which was issued to the petitioner has been brought on record of the appellate court, learned counsel for the petitioner submits that the aforesaid has not been brought on record by way of additional evidence and seeks time to file application for additional evidence before the appellate court.

5. Learned A.G.A. has no objection to the aforesaid prayer.

6. In view of the aforesaid, this petition is disposed of with liberty to the petitioner to file appropriate application for additional evidence bringing on record the certified copy issued to the petitioner by the trial court in respect of the statement of P.W.1-informant showing that there is interpolation in the record. It any such application is filed, the appellate court shall consider and record a finding on the aforesaid aspect at the time of final hearing. However, the appellate court would be at liberty to hold such inquiry as it may deem fit and proper in the facts and circumstances of the case.

(Vikram D. Chauhan,J.)

October 6, 2026
Bhaskar

Digitally signed by :-
BHASKAR
High Court of Judicature at Allahabad