HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 6267 of 2026

Mithilesh Yadav

.....Revisionist(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Revisionist(s) : Keshari Nandan Singh
Counsel for Opposite Party(s) : Ajay Kumar Singh, G.A., Sarita Singh

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Court No. - 84

HON'BLE LAKSHMI KANT SHUKLA, J.

1. Heard Mr. Keshari Nandan Singh, learned counsel for the revisionist, learned A.G.A. for the State and Mr. Ajay Kumar Singh, learned counsel for O.P. No. 2.

2. Perused the record.

3. Revisionist Mithilesh Yadav has approached this court by means of instant criminal revision assailing the impugned judgement and order dated 01.08.2026 passed by the Sessions Judge, Jaunpur (hereinafter referred to as "the Trial Court") in S.T. No. 266 of 2026, State of U.P. v. Mithilesh Yadav in Case Crime No. 98 of 2021, Police Station Shahganj, District Jaunpur whereby the Trial Court rejected the application under Section 227 Cr.P.C. filed by the revisionist and directed to frame the charges under sections 436 and 427 of IPC.

4. Feeling aggrieved from that order the present criminal revision has been filed on the grounds that the impugned order is wholly illegal, unjust and against the settled principle of law. It has been passed without taking into consideration the material available on record as well assigning any due reason for charging the revisionist under Sections 436, 427 I.P.C. In vies of the aforesaid premise, a prayer for setting aside the impugned order and allowing the instant criminal revision has been made.

5. Learned counsel for revisionist submitted that in the intervening night of incident the shop of the revisionist caught fire which was extinguished

with the help of locals. It is averred that in the same intervening night two other shops were also caught fire after incident of fire in the shop of the revisionist. The sole ocular witness against the revisionist is the pocket witness of the informant. Therefore, no reliance on his statement can be placed. In view of the aforesaid conspectus, it is thus contended that the present criminal revision may be allowed by this Court.

6. *Per contra*, learned A.G.A. for the State as well as learned counsel for O.P.No. 2 have vehemently opposed the instant criminal revision and supported the impugned order. It is submitted that after passing the aforesaid order, the charges under Sections 436 and 427 IPC have been framed against the revisionist. Meaning thereby, after rejection of application under Section 427 of Cr.P.C. the Trial Court found the material available on record sufficient for further proceeding and framed the charge. It is thus contended that only on the reasons that the sole eye witness is an interested witness, at this stage no conclusion regarding falsehood or truthfulness of his statement can be recorded. At this stage the Court has to see only that if the material available on record is sufficient to frame charge against the accused person or not. The Trial Court has recorded its satisfaction that the material available on record is sufficient to frame the charge and proceed trial against the revisionist. Accordingly, the instant criminal revision may be dismissed by this Court.

7. Having heard the rival submissions and upon perusal of record, this Court is of the considered view that there is no law to hold any witness interested or pocket witness at this stage. Therefore, only on the basis of allegation that the sole eye witness is the interested or pocket witness of the informant, at this stage, the whole evidence available on record cannot be disregarded for proceeding with the matter. Accordingly, the present criminal revision has no force at all and is liable to be dismissed.

8. Accordingly, it is **dismissed.**

(Lakshmi Kant Shukla,J.)

October 24, 2026
RPD

Digitally signed by :-
RATAN PRAKASH DWIVEDI
High Court of Judicature at Allahabad