2026:AHC:227207

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 6305 of 2024

Radhey Shyam

.....Revisionist(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Revisionist(s)	:	Annapurna Devi
Counsel for Opposite Party(s)	:	G.A.

Court No. - 92

HON'BLE SUBHASH VIDYARTHI, J.

1. Heard Ms. Pooja Chand Dwivedi, learned counsel for the revisionist and Shri Rajesh Kumar Mishra, learned AGA appearing on behalf of the State.

2. The learned counsel for the revisionist has filed a rejoinder affidavit, which is taken on record.

3. The instant revision has been filed challenging therein, the order dated 17.10.2024 passed by the learned Additional Chief Judicial Magistrate/ Additional Civil Judge (S.D.), Court No. 5, Kanpur Nagar in Case No. 16073 of 2020 (State Vs. Ramchandra and others) whereby, the application filed by the revisionist under Section 239 Cr.P.C. for his discharge had been rejected.

4. The aforesaid case was instituted on the basis of an FIR No. 96 of 2019, lodged in Police Station Nawabganj, District Kanpur Nagar, on 26.05.2019, for offences under Sections 420, 467, 468, 471 and 120B IPC, against seven persons including the applicant, who was Regional Forest Officer /Iin-charge Research Center, Etawah stating that several persons working on daily wages or work charge basis or on contract had applied for regularization of their services in terms of Regularization Rules, 2016. Letters were sent for verification of the experience certificates of the applicants, their documents were verified and thereafter, a Committee examined the eligibility of the candidates and recommended regularization of services of the

eligible candidates. Thereafter, a complaint was made against regularization of candidates, whereupon the experience certificates of the employees were again sent for verification. However, when no effective step was taken in this regard, it came to light that co-accused Ramchandra, Principal Assistant and the then Establishment In-charge, had deliberately omitted to take any action in the matter and he had prepared false and forged documents. Pradeep Kumar and Surendra Kumar are said to be close relatives of co-accused Ramchandra and the revisionist is a relative of Virendra Kumar and all those persons misused the government procedures and had provided undue benefit by preparing false documents.

5. After investigation, a chargesheet was submitted against all the accused persons, including the revisionist and a copy of the charge sheet dated 17.07.2019 has been brought on record by the rejoinder affidavit filed today. When the trial court took cognizance of the offences and summoned the accused persons to face the trial by means of an order dated 07.10.2020.

6. On the same set of charges, a disciplinary proceeding was instituted against the revisionist, which culminated by an order dated 16.12.2022, passed by the Additional Principal Conservator of Forest, Research, U.P. Kanpur, which records that a detailed inquiry was conducted into the allegations and the inquiry officer found that no evidence was led during the inquiry which could establish the charges and the charges were found to be without any basis. The inquiry officer recommended exoneration of the revisionist. The disciplinary authority i.e. Additional Principal Chief Conservator of Forest / appointing authority accepted the recommendation of the inquiry officer, discharged the revisionist of all the charges and closed the disciplinary proceedings against him.

7. The State has filed a counter-affidavit wherein this fact has not been disputed that the revisionist has already been exonerated in the disciplinary inquiry instituted on the basis of same set of allegations.

8. The learned counsel for the revisionist has relied upon a judgment dated 04.10.2024 passed by a coordinate bench of this court in

Jagdish Singh Vs. State, Application U/Section 482 No. 5413 of 2024, wherein this court relied upon the precedents in the cases of ***P.S. Rajya Vs. State of Bihar, 1996 Volume 9 SCC page 1, Lokesh Kumar Jain Vs. State of Rajasthan, (2013) 11 SCC 130, Radheshyam Kejriwal Vs. State of West Bengal and another, (2011) 3 SCC 581, Ashoo Surendranath Tiwari Vs. Deputy Superintendent of Police, EOW, CBI and another, 2020 Volume 9 SCC 636, and J. Sekar alias Sekar Reddy Vs. Directorate of Enforcement, 2022 7 SCC 370*** and concluded that:

> *"35. The settled position from the above refereed judgments is to the effect that if an accused has been exonerated and held innocent in the disciplinary proceedings after the allegations have been found to be unsustainable, then the criminal prosecution premised on the same/identical set of allegations cannot be permitted to continue. The reasoning for this conclusion/proposition in the above referred judgments is that the standard of proceedings in criminal cases is beyond reasonable doubt which is far higher than preponderance of probability, the standard of proof required in disciplinary proceedings. When the same witnesses could not be able to prove/establish the same/identical charges in the disciplinary proceeding, there is no purpose in prosecuting the criminal proceedings where the standard of proof required to establish the guilt is far higher than the standard of proof required to establish the guilt in departmental proceedings.*
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> *36. The reliability and genuineness of the allegations against the applicant has already been tested during the disciplinary proceedings and the applicant has been exonerated after taking note of the statements of witnesses who*

> *would prove the same/identical charges in the criminal proceedings. Accordingly, this Court is of the view that in the present matter interference of this Court is required and criminal proceedings arising out of FIR No. 0271 of 2020 dated 13.05.2020, detailed above, are liable to be set aside in exercise of power under Section 482 Cr.P.C."*

9. Although the learned AGA has opposed the revision, he could not dispute the applicability of the law laid down by the coordinate bench in Jagdish Singh (Supra).

10. As the FIR was lodged against the revisionist on same set of allegations on which a disciplinary proceeding was instituted against him and the revisionist has been exonerated in the disciplinary inquiry, wherein it was found that there was no evidence to prove the charges, even on the basis of preponderance of probabilities, the trial of the revisionist on same set of allegations would not yield any result as the standard of proof required in the trial is proof beyond reasonable doubt and when the allegations could not be proved even on the standard of preponderance of probabilities, the same cannot be proved on the standard of proof beyond reasonable doubt. The present matter is squarely covered by the judgment of the coordinate bench in the case of Jagdish Singh (Supra).

11. Accordingly, the revision is ***allowed*** and the order dated 17.10.2024, passed by the learned Additional Chief Judicial Magistrate/ Additional Civil Judge (S.D.), Court No. 5, Kanpur Nagar in Case No. 16073 of 2020 (State Vs. Ramchandra and others) is hereby set aside.

November 2, 2026
Ram.

(Subhash Vidyarthi,J.)

Digitally signed by :-
RAM SINGH
High Court of Judicature at Allahabad