



2026:AHC:34325

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 957 of 2026

Smt Neelam Yadav

.....Revisionist(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Revisionist(s) : Akhil Krishna, Jagadish Prasad Yadav
Counsel for Opposite Party(s) : Vikas Kumar, G.A., Ramesh Chandra
Yadav

Court No. - 87

HON'BLE ABDUL SHAHID, J.

1. Heard learned counsel for the revisionist and learned A.G.A. for the State.
2. The present criminal revision has been filed against the impugned order dated 03.01.2026 passed by the Additional Sessions Judge (First), Lalitpur, on application paper no. 51 Ka under Section 358 B.N.S.S. (Section 319 Cr.P.C.) dated 25.06.2025, filed in Session Trial No. 436 of 2022 (State of U.P. versus Raman Singh), arising out of Case Crime No. 138 of 2022, under Sections 302/34 I.P.C., Police Station Jakhaura, District Lalitpur.
3. Learned counsel for the revisionist has submitted that the revisionist has been wrongly summoned under Section 319 Cr.P.C. No role has been assigned to the revisionist. The impugned order dated 03.01.2026 is liable to be set aside.
4. Learned A.G.A. for the State has submitted that the revisionist, Smt. Neelam Yadav, has been summoned under Sections 302/34 I.P.C. The final appreciation of evidence is to be done after the collection and evaluation of all evidence. The criminal revision is liable to be rejected.
5. It is held by Hon'ble Supreme Court in **Asim Akhtar Versus The State of West Bengal and another, 2024 INSC 794** that complicity of any person sought to be arrayed as an accused can be decided with or without conducting cross-examination of the complainant and other prosecution witnesses and there is no mandate to decide the application under section 319 Cr.P.C. before cross examination of other witnesses. It is held by the Hon'ble Supreme Court in **Hardeep Singh Versus State of Punjab, (2014) 3 SCC 92**, that the word "evidence" used in section 319 Cr.P.C. indicates,

the word "evidence" is limited to the evidence recorded during trial. The summoning of accused under section 319 Cr.P.C. is settled, that this power is an extraordinary power, which should be used sparingly with circumspection and while passing the summoning order under section 319 Cr.P.C. court must consider whether more than prima facie case made out, or not; mere prima facie case is not sufficient. It is held by Hon'ble Supreme court in **Omi Versus State of M.P. (2025) 2 SCC 621**, that trial court can add an individual as accused only on the basis of the evidence adduced before it and not on the basis of the materials available in the charge sheet or the case diary because such materials contained in the charge sheet or the case diary do not constitute evidence. It is held by the Hon'ble Supreme Court in **Shiv Baran Versus State of U.P., 2025 SCC OnLine SC 1457** that trial court can exercise power to summon an additional accused under section 319 Cr.P.C. only on the basis of the evidence adduced before it and not any other material collected during investigation.

6. In the present session trial, P.W.-1 (Sunil Kumar), P.W.-2 (Santosh Kumar Singh), and P.W.-3 (Sheel Kumar) have been examined. On the basis of the evidence before the learned trial court, the revisionist has been summoned.

7. The P.W.-1 (Sunil Kumar) has deposed that on 23.07.2022 at about 9:30 a.m., he was sitting at his house with his father Bhagwan Singh, his mother Smt. Sheel Kuwar, his uncle Santosh, and his wife. At that time, Neelam Yadav, who was in a relationship with his elder brother Raman Singh, came and started quarrelling with his father. She demanded that the land be transferred in her name. His father replied that Raman Singh's legally wedded wife (Artri) and children were residing with them and questioned who would take care of them. Upon this, Raman Singh and Neelam Yadav abused his father. Raman Singh took out a knife and stabbed his father, while Neelam Yadav caught hold of him so that he could not defend himself. They immediately rushed to his father. Blood was flowing profusely from his leg. They took him to Jakhaura hospital. His condition deteriorated, and the doctor referred him to Lalitpur. On the way, near village Sirsi and prior to reaching Lalitpur hospital, he died.

8. Learned counsel for the revisionist has submitted that the other two witnesses, P.W.-2 (Santosh Kumar Singh) and P.W.-3 (Sheel Kumar), have turned hostile and that there is no prima facie evidence against the

revisionist.

9. It is settled law that it is the quality not the quantity of the witness that matters. As per section 134 of the Indian Evidence Act, 1872, no particular number of witnesses shall in any case be required for the proof of any fact.

10. There is evidence against the revisionist recorded during trial by P.W.-1, alleging a specific role and motive on the part of the revisionist, Smt. Neelam Yadav, in the commission of the said offence. The offence is serious in nature. There is sufficient evidence on record to summon the accused under Section 319 Cr.P.C., in light of the aforesaid settled legal provisions.

11. There is neither any illegality or irregularity in the impugned order.

12. The criminal revision is liable to be dismissed and it is dismissed accordingly.

February 16, 2026
K.K. Maurya

(Abdul Shahid,J.)