



2026:AHC:54518

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 3310 of 2025

Rajeev Pandey

.....Revisionist(s)

Versus

State Of U.P. And 2 Others

.....Opposite
Party(s)

Counsel for Revisionist(s)	:	Pradeep Kumar Mishra
Counsel for Opposite Party(s)	:	G.A.

Court No. - 87

HON'BLE ABDUL SHAHID, J.

1. Heard learned counsel for the revisionist and the learned AGA for the State.
2. The notice was duly issued on the available address of opposite party nos. 2 and 3, but none appeared for the opposite party nos. 2 and 3. After a reasonable time, the matter has been heard and is being decided on merit.
3. The instant criminal revision has been preferred challenging the impugned order dated 2.4.2025, passed by the learned Sessions Judge, Jaunpur in Case No. 1380/2022 (State Vs. Harish Chandra and another), under Section 323, 308, 504, 506 IPC, Police Station Maharajganj, District Jaunpur, whereby the discharge application of the accused persons was allowed.
4. Learned counsel for the revisionist has submitted that the FIR has been lodged on the same day of the incident i.e. 6.8.2022 under Section 323, 308, 506 IPC by the revisionist/Rajeev Pandey himself against named accused persons viz. (1) Harish Chandra Tiwari and Sangeeta Tiwari, who are the opposite party nos. 2 and 3 in the present criminal revision.
5. Learned counsel for the revisionist has submitted that there is specific allegation that on 6.8.2022 around 6.00 am morning, Harish Chandra and Sangeeta had hurled abuses to his uncle (Phupha), Kade Prasad Tiwari alias Pappu Tiwari and they beaten on his neck by Lathi-danda. He

became unconscious and fell down on the floor. He took him to CHC, Maharajganj where doctor found him in serious condition and referred to Jaunpur District Hospital. The District Hospital, Jaunpur has further referred on the same day due to serious nature to S.R.N. Hospital, Allahabad (Prayagraj). His son resides at Surat. The complainant stated that uncle (Phupha), Kade Prasad Tiwari alias Pappu Tiwari is residing alone in his house.

6. Learned counsel for the revisionist has submitted that the impugned order dated 2.4.2025, passed by the learned Sessions Judge, Jaunpur is absolutely illegal, arbitrary and non-speaking order, whereby he has wrongly discharged the accused/opposite party nos. 2 and 3 for the offence under Section 308 IPC. Learned counsel for the revisionist has relied on the statement of revisionist himself, which was recorded under Section 161 Cr.P.C and statement of wife of injured Kade Prasad Tiwari, Smt. Manju Tiwari, who has reiterated the same incident which has been narrated in the FIR and corroborated the same. Both had given the specific evidence against the opposite party nos. 2 and 3 that both had hit Kade Prasad Tiwari on his neck and waist. He has suffered seriously.

7. Smt. Manju Tiwari stated in her statement under Section 161 Cr.P.C that they had taken the injured to CHC, Maharajganj, even though injured was in unconscious condition. The doctor found his condition as serious, hence referred to Jaunpur. The doctor of Jaunpur further find her condition serious, hence referred to SRN Hospital, Prayagraj. The Hospital at SRN, Prayagraj had further referred the injured to BHU on the same day of the incident i.e. 6.8.2022 after considering serious nature of the injuries of the injured.

8. Learned counsel for the revisionist has relied on Annexure-4 which is paper of SRN Hospital, Prayagraj dated 6.8.2022 time 2.30 pm, where the injured was referred from Amar Saheed Gananath Singh District Hospital, Jaunpur and further referred to higher. He was referred to higher management for cervical spine injury with compromised seniority motoloss of right upper limb. He has further relied on NCCT Head of injured Kade Prasad Tiwari alias Pappu Tiwari dated 7.8.2022 of Trauma Centre and Superspeciality Hospital, Institute of Medical Sciences,

Varanasi. The report (0.6 min axial sections taken for brain from base of skull to vertex region). Learned counsel for the revisionist has further relied on radiology report of injured dated 13.2.2025.

9. Learned counsel for the revisionist has vehemently submitted that the injured has suffered serious injury on his neck and he has further relied on the supplementary affidavit dated 15.9.2025, where he has filed photograph of the injured and also relied that further the opposite party nos. 2 and 3 had further committed an incident on 26.4.2024 against Sangeeta Devi wife of Kade Prasad Tiwari. The FIR was registered at case crime No. 0069 of 2024 under Sections 323, 504, 506, 352, 427 IPC, Police Station Maharajganj District Jaunpur. He further relied on the report of Trauma Centre and Superspeciality Hospital, Kashi Hindu Vishwavidyalaya dated 6.8.2022 at 11.00 pm on the same day of incident where the injured was referred from SRN Hospital to BHU.

10. The nature of the injury of the injured is apparent to be grievous in nature which is consistent with the treatment of injured. Firstly, he was referred from CHC, Maharajganj to District Hospital, Jaunpur. Thereafter to SRN Hospital, Prayagraj and thereafter to BHU Varanasi on the same day. The charge sheet is already filed under Section 308 IPC. The injuries has been caused on the neck of the injured by the accused persons. The neck is a vital part of the body. The injured has consistently suffered due to the injuries in his spinal cord and his treatment still is in continuation.

11. In view of all the facts, circumstances and reasons mentioned herein above, the discharge of opposite party nos. 2 and 3 from the offence under Section 308 IPC is not appeared to be reasonable or justiceable. Hence, the discharge of opposite party nos. 2 and 3 under Section 308 IPC by the impugned order dated 2.4.2025 is hereby set aside. The criminal revision is hereby **allowed** accordingly. Learned trial court is directed to proceed trial of the case in accordance with law expeditiously.

(Abdul Shahid,J.)

March 17, 2026

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