



2026:AHC:29681

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 5905 of 2025

Mohd. Aman

.....Revisionist(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Revisionist(s) : Akhilesh Kumar Dubey, Vinay Kumar Singh

Counsel for Opposite Party(s) : Dharendra Kumar Verma, G.A., Gaurav Tiwari, Tripuresh Singh

Court No. - 87

HON'BLE ABDUL SHAHID, J.

1. Heard learned counsel for the revisionist and learned A.G.A. for the State.
2. None is present for opposite party no. 2 despite service being sufficient.
3. Learned counsel for the revisionist submitted that in the F.I.R., all the accused persons had been assigned the same role, whereas the discharge application of the revisionist/accused Mohd. Aman was rejected, and the discharge applications of Mohd. Faraz, Noorjahan Nanku, and Praveen were accepted. Mohd. Faraz, Noorjahan Nanku, and Praveen were discharged under Section 307 I.P.C., and their files were separated. However, the application for discharge of Mohd. Aman/revisionist was rejected.
4. Learned counsel for the revisionist further submitted that Dr. Shashank Yadav, who recorded his statement during the investigation, stated that when he medically examined Abdul Bahab, his wound was stitched; hence it was written as "sature." Upon inquiry, he clarified that the injury was of a serious nature. The injury of Sabiha Bano was of a simple nature. Dr. A.K. Pandey, the Radiologist who conducted the X-ray of the injured Abdul Bahab, stated that he did not find any fracture in the X-ray report.
5. Learned counsel for the revisionist further submitted that the injury caused to Abdul Bahab was not of the same day. As per the injury report,

the duration of the injury is about one day. There were no allegations in the F.I.R. regarding any incised weapon. No injury caused by an incised weapon was found in the X-ray of the skull of Abdul Bahab; NAD (No Abnormality Detected) was recorded.

6. The alleged incident took place on 16.06.2024 at 18:30 hours. The F.I.R. was lodged on 16.06.2024 at 23:24 hours, promptly, under Sections 506, 504, and 323 I.P.C. The F.I.R. was lodged by Salma Taslim, opposite party no. 2/complainant, against three accused persons: Mohd. Aman, Mohd. Faraz, and Noorjahan Nankoo. The F.I.R. assigned a general role to all three accused, stating that they had beaten Abdul Bahab with lathi-danda, and thereafter, all persons ran away from the place.

7. Whereas, during the investigation, the injured Abdul Bahav had recorded that Mohd. Aman who is having the incised weapon had hit on his head and his head was cut down and other three persons had beaten with lathi-danda with the intention to kill himself on my head hence there has been a fountain of the blood that erupted from his head. There is no consistency in the averments in the F.I.R. which has been promptly lodged and the injury caused to the injured Abdul Bahav. As per X-ray report of the injured Abdul Bahav all above injuries caused by hard and blunt object except second duration one day. Advised-X-ray for injury no. 1 for further opinion to Radio department. There were two injuries were found on injured Abdul Bahav (1) Suture of size 5.0 x 0.25m, 3.0 cm above, right ear outer border, kept for observation X-ray of skull AP lateral view, (2) left hand middle finger COP.

8. As per F.I.R. the incident took place on 16.06.2024 at 18.30 hours. The F.I.R. was lodged at the concerned police station on 16.06.2024 at 23.24 hours. The injury report is dated 16.06.2024 at 11.50 hours and the time of injury in the injury report is of one day. Another injury of Sahiba Bano. Injury no. 1. Multiple abrasion larger one of size 2.0 x 0.5 cm above deltoi of muscle, (ii) abrasion of size 1.0 x 0.5, above wrist joint. Opinion- All above injuries caused by hard and blunt object, duration one day. In the x-ray of skull of Abdul Bahab/injured dated 18.06.2024 NAD was found. Hence there is the averment made by injured during investigation that his head was cut down by the injury caused of incised weapon by

Mohd. Aman and thereafter three persons hit his head by lathi-danda and there were fountain of blood was erupted. The averments in the F.I.R., the averments of the injured Abdul Bahav is during investigation and the injury report of the Abdul Bahav as x-ray of the skull do not corroborated with each other. There is huge inconsistency in X-ray.

9. In view of all these considerations, the impugned order rejecting the discharge application of revisionist/Mohd. Aman is not justifiable or legally sustainable. Accordingly, the impugned order dated 06.08.2025, passed by the learned Sessions Judge, Jaunpur, with respect to the revisionist Mohd. Aman, is hereby set aside. The learned trial court is directed to decide the discharge application of revisionist/Mohd. Aman afresh in accordance with law, having regard to the observations of this Court as well as the evidence on record.

10. With these observations, the criminal revision is allowed.

(Abdul Shahid,J.)

February 10, 2026
K.K. Maurya