



**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL REVISION No. - 42 of 2026

Atul Kumar Singh Alias Atul Rai

.....Revisionist(s)

Versus

State of U.P. Thru. Addl. Chief Secy. Home Deptt. Lko and another

.....Opposite Party(s)

Counsel for Revisionist(s) : Kaustubh Singh,
Counsel for Opposite Party(s) : G.A.,

**Reserved on: 04.02.2026
Pronounced on: 04.05.2026**

Court No. - 17

HON'BLE RAJEEV SINGH, J.

1. Heard Sri Vishwajeet Singh, learned Senior Advocate assisted by Sri Kaustubh Singh, Sri Pankaj Singh, Sri Dileep Srivastava, learned counsel for the revisionist and Sri V.K. Shahi, learned Additional Advocate General assisted by Sri Anurag Verma, learned A.G.A. alongwith Sri Ajeet Singh, learned State Counsel.

2. This revision has been filed with the following prayer:-

"Wherefore, it is most respectfully prayed that this Hon'ble Court may graciously be pleased to call for the records of the Court below and set aside the impugned order dated 21.11.2025 passed by Additional Sessions Judge, Court No. XIX, Lucknow, arising out of Case Crime No.309 of 2021, U/s 120-B, 167, 195-A, 218, 306, 504 and 506 IPC,

Police Station- Hazratganj. District- Lucknow (State vs Atul Kumar Singh Atul Rai) in interest of justice."

3. Learned counsel for the revisionist has submitted that as per the prosecution case, the victim of the present case was raped by the revisionist on 07.03.2018 at his flat in Varanasi. In this regard, on the complaint of the victim, F.I.R. No. 548 of 2019, u/s 376, 420, 504, 506 I.P.C. was lodged 01.05.2019, on the initiation of political rivals, with the allegation that the victim, who completed her education at U.P. College, Varanasi, contested the election of student union of the said College in the year 2015 and during the course of election, she met with the revisionist, and at that time, the revisionist took her mobile number and started conversation with her. It is further alleged that the revisionist attempted to meet with the victim repeatedly. On 07.03.2018, she was called by the revisionist at his flat near Amraushiya restaurant, and when she went there, she saw that one person was present there who escorted her to the flat of the revisionist. On the said date in the evening, she made a call to the revisionist, on which, she received a message that he was on the way with his wife and also instructed her to remain there as he would be there by about 10 pm. After some time, he came there alongwith gunman, but the gunman remained outside the room. The revisionist brought the victim inside the room, allured her and then forcefully committed rape with her. It is also alleged therein that in the said room, CCTV camera was also installed and video of the wrong acts committed by the revisionist with the victim was also captured so that she may be threatened on the basis of that alleged video by making it viral. Life threat was also given to her family members. Thereafter, she was being victimized by the revisionist. It is also alleged in the F.I.R. that the revisionist was having criminal antecedents and one month ago from lodging of the F.I.R., the revisionist was insisting the victim for sleeping with a leader of one political party.

The victim uploaded a video on her facebook ID and the said video was also sent to the revisionist, but he did not bother it as he was contesting

the election of Member of Parliament from Ghosi Parliamentary Constituency. After circulation of video message on the facebook ID of the victim, the said news was aired at different news channels. Then, threat was given to her by giving assurance that he would fulfill her all demands. It is also mentioned in the F.I.R. that whenever the revisionist made physical relations with the victim, her health got deteriorated, and meagre amount was being provided to her to buy medicines.

3.1. It has further been submitted that the aforesaid F.I.R. was lodged by the victim with the association of some political rivals only with the intention to blackmail and demean the revisionist's political image. However, on the basis of statement of the victim recorded u/s 161 and 164 Cr.P.C. as well as other medical evidence, charge-sheet was submitted by the Investigating Officer against the revisionist u/s 420, 376, 504, 506 I.P.C., on which, cognizance was taken by learned trial Court the trial was proceeded and the revisionist was sent to jail. Submission of learned counsel for the revisionist is that the victim was herself ambitious and had admitted that she also contested the student union election in U.P. College and was actively associated in the said election. It has also been submitted that facts informed by the revisionist to the Investigating Officer were never investigated as per Para 107 of Police Regulation and filed the charge-sheet.

3.2. It has next been submitted that the father of the revisionist moved an application with the averment that the revisionist has falsely been implicated and also requested for further investigation as well as inquiry in the matter. During the pendency of the trial of the aforesaid case, inquiry was conducted on the complaint of father of the revisionist by Mr. Amresh Kumar Singh, Circle Officer, Behlupur and recommended for further investigation. A report was forwarded by Senior Superintendent of Police, City Varanasi on 11.12.2020 with recommendation for further investigation. It has further been submitted that the victim was under impression that the revisionist was facilitating

I.P.S. Amitabh Thakur for making messages viral on social media. The statement of the victim was recorded in the aforesaid case before the trial Court and then trial was proceeded. Learned counsel for the revisionist vehemently submitted that as the victim was well aware that the entire facts of the aforesaid case are false and there was possibility that her falsehood would be caught before the trial Court, she started making false allegation against other persons on the social media by writing several things. She also observed that on 6/7th of November in the night, the victim received a call from Satyam Prakash, her friend, who told her that after taking money from the revisionist, the aforesaid I.P.S. officer was sending wrong messages on social media. Thereafter, she committed self-immolation alongwith her friend on 16.08.2021 near the gate of Hon'ble Supreme Court after making a live comment on facebook making allegation against Amitabh Thakur, I.P.S., stating that Amitabh Thakur was airing wrong information on social media only with the intention to tarnish her image and the witnesses, those are in her support, are being also implicated in cases, and she might be eliminated by the revisionist.

3.3. It has next been submitted that after the incident of self-immolation, the F.I.R. No. 113 of 2021 u/s 309 I.P.C. was lodged at Police Station- Tilak Marg, District- New Delhi on 16.08.2021 at 13:52 hours at G.D. No. 764 dated 27.08.2021 on the written complaint of S.I.- Gopal Prasad, PIS No. 28860366, Belt No. 3699-D with the averment that in front of Gate-D, Supreme Court of India, Bhagwan Das Road, the victim was found in semi burnt condition, One plastic bottle containing the inflammable material, one broken empty plastic bottle, two lighter, one bag, one semi burnt note in Hindi and other material were also found from there and then mobile FSL team was called and the team inspected the place of incident and took photographs of the site, as also seized all the exhibits in the police custody through the memo.

3.4. It has also been submitted that after lodging of aforesaid F.I.R. at New Delhi, another F.I.R. of the case in question, i.e., F.I.R. No.309 of 2021 was lodged on 27.08.2021 on the written complaint of Senior Sub Inspector- Mr. Daya Shankar Dwivedi, Police Station- Hazratganj for aforesaid incident on the basis of inquiry report of a committee which was constituted for inquiry of aforesaid self-immolation incident of the victim. In the said F.I.R., it is alleged by the informant/police official that the revisionist is accused in Crime No. 548 of 2019 (supra), in which, the deceased was victim and trial of the said case is pending before competent Court. It is further alleged therein that only with the intention to take favour from the victim, pressure was being made on her witness, by lodging 07 criminal cases against victim and her associates. The victim also moved an application dated 10.11.2020 to the Senior Superintendent of Police, Varanasi with the averment that Amitabh Thakur, who had taken money from the revisionist, was fabricating the evidence in favour of revisionist and she was being instigated for suicide by tarnishing her image. It is also alleged that the revisionist and his associates were trying to eliminate the evidence of the aforesaid case crime no. 548 of 2019 and she was being compelled to change her version.

3.5. It has been submitted by the learned counsel for the revisionist that the investigation of the aforesaid case was conducted by the Investigating Officer in the most mechanical manner. As the incident of suicide was taken place at New Delhi and the F.I.R. No. 113 of 2021 was already lodged at New Delhi, but later on, the present F.I.R. No. 309 of 2021 was lodged and the charge-sheet was submitted by the Investigating Officer in the most mechanical manner by preparing a number of parchas and though 29 parchas are discussed in the impugned order, there is no evidence against the revisionist for the offense u/s 120-B, 167, 195-A, 218, 306, 504, 506 I.P.C.

3.6. Submission of learned counsel for the revisionist is that the Investigating Officer also observed that there is an allegation that the revisionist and his associates were trying to diminish the case, i.e., Case Crime No. 548 of 2019 by eliminating the evidence and though the victim also alleged that Amitabh Thakur was spreading false information on social media in order to tarnish her image and an audio, in this regard was also circulated, but there is no evidence in support of aforesaid allegation against the revisionist.

In the complaint, which was given by the victim to Senior Superintendent of Police, Varanasi on 10.11.2020, it is stated that on the basis of report of Circle Officer, Bhelupur, comments were made by Amitabh Thakur only with the intention to compel her to commit suicide. However, there is no allegation in her complaint against the revisionist for instigation or any other thing. Trial Court also failed to consider the facts with respect to Section 177 Cr.P.C.

3.7. In support of his submissions, while placing reliance on the judgements of Hon'ble Supreme Court passed in the cases of *Y. Abraham Ajith Vs. Inspector of Police Chennai and Anr.* reported in *2004 (8) SCC 100*, *Kaushik Chaterjee Vs. State of Haryana and others* reported in *2020 (10) SCC 92*, *Rana Ayyub Vs. Director of Enforcement* reported in *2023 (4) SCC 357*, learned counsel for the revisionist has submitted that the question of territorial jurisdiction in criminal cases revolves around,

- (i) place of commission of the offense, or
- (ii) place where the consequence of an act, both of which constitute an offense, ensues, or
- (iii) place where the accused was found, or
- (iv) place where the victim was found, or
- (v) place where the property in respect of which the offence was committed, was found, or

(vi) place where the property forming the subject- matter of an offence was required to be returned or accounted for, etc. as the case may be.

3.8. It has been submitted that learned trial Court also failed to consider the contents of Section 120-B of I.P.C. which clearly provided the Punishment for Criminal Conspiracy which, by itself, is an independent offense, punishable separately from the main offense, on the prima facie evidence that the person was a party to the conspiracy before his acts can be used against the co-conspirator. However, there is no evidence in the present case. It has further been submitted that it is settled law that a conspiracy is hatched in secrecy and prosecution cannot be burdened to establish the same with direct piece of evidence. The prosecution can discharge its onus by relying upon the circumstances to establish existence of conspiracy and the prosecution has to produce evidence not only to show that the accused has knowledge of object of conspiracy but also of the agreement.

3.9. Learned counsel for the revisionist has also placed reliance on the judgements of Hon'ble Supreme Court passed in the following cases:

- (i) *V.C. Shukla Vs. State* reported in *1980 (2) SCC 665*,
- (ii) *State of Kerala Vs. P. Sugadhan & Anr.* reported in *2000 (8) SCC 203*,
- (iii) *Bhagwan Swaroop Lal Bishen Lal and Ors. Vs. State of Maharashtra* reported in *1964 (2) SCR 378*,
- (iv) *State of NCT of Delhi Vs. Navjot Sandhu @ Afsan Guru* reported in *2005 (11) SCC 600*,
- (v) *CBI Hyderabad Vs. Narayan Rao* reported in *2012 (9) SCC 512*,
- (vi) *Subramaniam Swamy Vs. A Raja* reported in *2012 (9) SCC 257*,
- (vii) *Pratap Bhai Hamir Bhai Solanki Vs. State of Gujarat & Anr.* reported in *2013 (1) SCC 613*,
- (viii) *Mohd. Khalid Vs. State of W.B.* reported in *2002 (7) SCC 334*.

3.10. Drawing attention of the Court on the provisions of Section 306 I.P.C., learned counsel for the revisionist has submitted that basic ingredients to constitute an offence u/s 306 I.P.C. are suicidal death and abetment thereof. Similarly, abetment of a thing is defined u/s 107 I.P.C.

3.11. Further relying on the judgements of Hon'ble Supreme Court in the cases of *M. Arjunan Vs. State represented by its Inspector of Police* reported in *2019 (3) SCC 315*, *Nipun Aneja & Ors. Vs. State of U.P.* reported in *Crl. Appeal No. 654 of 2017*, *Geo Varghese Vs. State of Rajasthan and Anr.* reported in *2021 (19) SCC 144*, *Ramesh Kumar Vs. State of Chattisgarh* reported in *2001 (9) SCC 618*, *Ude Singh and Ors. Vs. State of Haryana* reported in *2019 (17) SCC 301*, *Kanchan Sharma Vs. State of U.P. & Anr.* reported in *2021 (13) SCC 806*, *Prabhat Kumar Mishra @ Prabhat Mishra Vs. State of U.P. and Anr.* reported in *2024(3) SCR 157*, *Mohit Singhal Vs. State of Uttarakhand* reported in *Crl. Appeal No. 3578 of 2023* and *Chitresh Kumar Chopara Vs. State* reported in *2009 (16) SCC 605*, learned counsel for the revisionist has submitted that essential ingredients of the offence u/s 306 I.P.C. are: (i) the abetment, (ii) the intention of the accused to aid or instigate or abet the deceased to commit suicide. The act of the accused, however, insulting the deceased by using abusive language will not by itself, constitute the abetment of suicide. There should be evidence capable of suggesting that the accused intended by such act to instigate the deceased to commit suicide.

3.12. Relying the judgement of Hon'ble Supreme Court in the case of *Sheoraj Singh Ahlawat and others Vs. The State of U.P. & Anr.* reported in *2013 (11) SCC 476*, learned counsel for the revisionist has further submitted that in this case Hon'ble Supreme Court has held that while framing charges, Court is required to evaluate materials and documents on record to decide whether the facts emerging therefrom taken at their face value would disclose existence of ingredients constituting the alleged offence.

3.13. It has lastly been submitted that the revisionist has already been acquitted by learned trial Court in Case Crime No. 548 of 2019, in which, deceased was the alleged victim. Thus, the submission is that the impugned order is liable to be set aside and the revisionist is entitled for discharge.

4. Sri V.K. Shahi, learned Additional Advocate General assisted by Sri Anurag Verma, learned A.G.A., while opposing the prayer of the revisionist, has submitted that image of the victim was being tarnished, by circulating several messages on social media by co-accused, as a result, several indecent comments were passed by people against the victim, hence, she was being victimized and she was also being instigated to committed suicide.

4.1. Sri V.K. Shahi has further submitted that prima-facie there is sufficient evidence against the revisionist to frame charge for the alleged offence, hence, learned trial court has rightly rejected the application for discharge. It has further been submitted that identical point was already raised before this Court in Application u/s 482 No. 5495 of 2023 by the revisionist, which has been dismissed. He has also submitted that on the social media, co-accused was continuously writing that one Member of Parliament has been falsely implicated in a rape case.

4.2. Relying the judgements of Hon'ble Supreme Court in the cases of *G. Easwaran Vs. State* reported in *MANU/SC/0393/2025*, *Tarun Jit Tejpal Vs. State of Goa and Anr.* reported in *(2020) 17 SCC 556*, *M.E. Shivalingamurthy Vs. C.B.I.* reported in *MANU/SC/0012/2020*, *State through Deputy Superintendent of Police Vs. R. Soundirarasu and Ors.* reported in *MANU/SC/1103/2022* and *Manjit Singh Viridi Vs. Hussain Mohammed Shattaf and Ors.* reported in *MANU/SC/0600/2023*, learned Additional Advocate General has submitted that statement of deceased/victim, which was given on social

media, was rightly considered by the Investigating Officer and after taking into consideration the entire evidence, the charge-sheet was submitted, on which, cognizance was taken. Thereafter, discharge application of the revisionist was also rejected. Therefore, since, prima facie, a case is made out, the petition is liable to be dismissed.

4.3. However, Sri V.K. Shahi has not disputed the fact that the revisionist was in jail at the time of alleged incident when the deceased committed suicide at New Delhi.

5. Considering the submissions of learned counsel for the parties and going through the entire pleading as well as judgements relied by learned counsel for the parties, it is evident from the record that the deceased was victim in F.I.R. No. 548 of 2019 (supra), which was lodged on 01.05.2019 related to alleged incident dated 07.03.2018. Thereafter, charge-sheet was submitted by the Investigating Officer in the aforesaid case. The revisionist was sent to jail and his case was tried by Special Judge, MP/MLA Court. Later on, the revisionist was acquitted by the trial Court vide judgement and order dated 06.08.2022.

It is evident from the said judgement that during the course of trial, nine prosecution witnesses were examined, namely, P.W.-1 (victim), P.W.-2 - Satyam Prakash Rai, P.W.-3 - Amit Srivastava, P.W.-4 - Constable Raghav Rai, P.W.-5 - S.I.- Ramesh Chandra Pandey, P.W.-6 - Dr. Rashmi Gupta, P.W.-7 - Bharat Bhooshan Tiwari (Investigating Officer), P.W.-8 - Shiv Kumar Gaud, P.W.-9 - Constable Preeti Rawat. Thereafter, statement u/s 313 Cr.P.C. was recorded and opportunity to produce defense witness was also given, regarding which, 15 defense witnesses were placed before the trial Court and then the judgement was delivered.

5.1. In the present case, as per the prosecution case, the victim was being pressurized by Amitabh Thakur by making different comments on social media merely relying on one report of Circle Officer, Bhelupur

favouring the revisionist by taking money. It is also alleged that the victim also interacted with co-accused Amitabh Thakur, thereafter, she committed suicide.

5.2. The learned counsel for the revisionist has tried to show that there is no evidence of conspiracy against the revisionist, hence, no alleged offense is made out. Admittedly, the revisionist was in jail at the time of incident. Further, as per the submission made by learned Additional Advocate General, allegations are against the co-accused Amitabh Thakur, which are made either in the application which was given on 20.11.2021 before Senior Superintendent of Police, Varanasi or in the statement of the victim/deceased posted on facebook-live prior to the said incident. Apparently, the trial Court failed to examine all these evidence. The judgements relied by learned counsel for the respondent are not applicable in the present case as it is well settled by Hon'ble Supreme Court that there must be strong suspicion that the accused had committed offense. But, in the present case, admittedly the evidence found in case-diary against the revisionist was not dealt with.

5.3. In view of above observations, the revision is **allowed**. The order dated 21.11.2025 passed by Special Judge, MP/MLA, Sessions Judge, Court No.29, Lucknow is hereby **set aside** with direction to the trial Court to decide the application of the revisionist afresh, expeditiously, in accordance with law.

6. Office is directed to communicate this order to the trial Court, forthwith.

(Rajeev Singh,J.)

May 04, 2026
Arpan