OFFICE OF THE DISTRICT JUDGE, PRAYAGRAJ.

ADMIN. ORDER NO. 757 **Dated : Nov. 27, 2025**

ORDER

While enclosing herewith a pdf copy of **Order/ judgement dt.14.10.2025** passed by **Hon'ble High Court** in **Criminal Appeal u/s 413 BNSS no. 564 of 2025, Sunil Kumar Yadav V/s State of U.P. and Another**, vide Hon'ble High Court's Letter No. **15285/Admin.G-II/Allahabad Dt.27.11.2025**, it has been communicated that during the course of hearing of aforesaid case, Hon'ble High Court, vide order dt.14.10.2025 (pdf copy enclosed), has expressed its **displeasure that in the impugned judgment, the Trial Judge has not mentioned the injuries found on the body of the deceased whereas the Circular letters no(s) 13/VIb-47 dt. 03.03.2002 and 13/VIb-47 dt.03.03.1982 directs the Judicial Officers to anvariably reproduce in their judgments, the injuries from the injury reports of the injured persons. Accordingly, Hon'ble Court has directed all the Judicial Officers to comply with the aforesaid circular letters while writing their judgments.** In view of the above, instruction to communicate the pdf copy of Hon'ble Court's above **Order/judgement dt.14.10.2025** to all the Judicial Officers of this Judgeships for information and strict compliance of the same by all concerned in letter and spirit, has been provided.

II. In compliance of Hon'ble Court's above directions, following order is being passed with immediate effect:

(a) The System Officer is directed to provide a soft/pdf copy of **Order/judgement dt.14.10.2025** passed by the **Hon'ble High Court** in the aforementioned case along with Hon'ble High Court's earlier **Circular letters no(s) 13/VIb-47 dt. 03.03.2002 and 13/VIb-47 dt.03.03.1982** as well as Letter No.**15285/Admin.G-II/ Allahabad Dt.27.11.2025** to all the Judicial Officers of Judgeship for information & strict compliance in letter & spirit.

(b) A hard-copy of above mentioned **Order/judgement dt.14.10.2025** passed by the **Hon'ble High Court in the aforementioned case** along with Hon'ble High Court's earlier **Circular letters no(s) 13/VIb-47 dt. 03.03.2002 and 13/VIb-47 dt.03.03.1982** as well as Letter No.**15285/**

27.11.2025

Admin.G-II/Allahabad Dt.27.11.2025 be circulated among all the Judicial Officers working under control of undersigned for information & strict compliance in letter & spirit.

(c) In compliance of order/judgement dt.12.08.2025 passed by Hon'ble High Court in Crl. Misc. Application u/s 528 BNSS No. 6400 of 2025 titled Smt. Bacchi Devi Vs State of UP And Another, a meeting of all Judicial Officers of the Judgeship is convened on **01.12.2025** at **4.35 PM**, in the **Meeting Hall,** situated at the II-Floor of Newly constructed 24-Court Room Building of District Court Prayagraj for discussion and deliberation regarding compliance of **Order/ judgement dt.14.10.2025 passed by Hon'ble High Court in Criminal Appeal u/s 413 BNSS no. 564 of 2025, Sunil Kumar Yadav V/s State of U.P. and Another.** All the Judicial Officers of the Judgeship are directed to participate in the said meeting.

Inform all concerned for strict compliance.

27.11.2025

(**Satya Prakash Tripathi**)
District & Sessions Judge
Prayagraj.

Dated : November 27, 2025

Through Email

From,

Manjeet Singh Sheoran, H.J.S
Registrar General
High Court of Judicature at
Allahabad

To,

All the District and Sessions Judges/OSD
All the Principal Judges, Family Courts
All the Presiding Officers of Commercial Courts, MACTs & LARRAs
State of Uttar Pradesh

No. 15285 **/Admin. G-II/Allahabad** **Dated:** 27/11/ **2025**

Sub: Circulation of order/ judgment 14.10.2025 passed by this Hon'ble Court in Criminal Appeal u/s 413 BNSS no. 564 of 2025, Sunil Kumar Yadav V/s State of U.P. and Another

Ref: Circular letters no(s) 13/VIb-47 dated 03.03.2002 and **13/VIb-47 dated 03.03.1982**

Madam/Sir,

During course of hearing of aforesaid case, this Hon'ble Court, vide order dated **14.10.2025 (pdf copy enclosed)**, has expressed its displeasure that in the impugned judgment, the Trial Judge has not mentioned the injuries found on the body of the deceased whereas the **Circular letters no(s) 13/VIb-47 dated 03.03.2002** and **13/VIb-47 dated 03.03.1982** directs the Judicial Officers to invariably reproduce in their judgments, the injuries from the injury reports of the injured persons.

Accordingly, Hon'ble Court has directed all the Judicial Officers to comply with the aforesaid circular letters while writing their judgments.

In this regard, while **reiterating** above mentioned Circular Letters, I am directed by Hon'ble Court to send the **pdf** copy of the aforesaid order dated **14.10.2025** to your goodself with the request to communicate the same to all the Judicial Officers of your Judgeships for their information and strict compliance.

With Regards,

Encl:- As above

Yours faithfully,

26.11.25

Registrar General

No. **/Admin. G-II** **Dated:** **/2025**

copy to **The Director, Judicial Training and Research Institute,** U.P., Lucknow for information.

Registrar General

(xii) Reproducing the injuries in the Judgment from the injury reports of the injured person.

C.L. No. 13/VIb-47 Dated: 3rd March, 2002

It has come to the notice of the Court that. Sessions Judges, Additional Sessions Judges and Magistrates do not specifically mention in their judgments the injuries found by the doctors on the person of the injured. On this account the Court experiences difficulty in passing orders on the bail applications filed in appeals. The injury reports in some cases are not readable because of being written in bad handwriting.

I am, therefore, directed to request to you to impress upon all the Presiding Officers of the Criminal Courts, under you to invariably reproduce in their Judgments the injuries from the injury reports of the injured persons.

Injuries to be reproduced

C.L.No. 13/VIb-47 dated 3rd March, 1982

The presiding officers of the criminal courts should invariably reproduce in their judgments the injuries from the injury reports of the injured persons.

2025:AHC:185219-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL U/S 413 BNSS No. - 564 of 2025

Sunil Kumar Yadav …..Appellants(s)

Versus

State of U.P. and Another …..Respondents(s)

Counsel for Appellants(s)	:	Ajeet Kumar Prajapati, Rishi Kumar Prajapati, Virendra Kumar Maurya
Counsel for Respondent(s)	:	G.A.

Court No. - 47

HON'BLE RAJEEV MISRA, J.
HON'BLE DR. AJAY KUMAR-II, J.

(Dictated by Hon. Dr. Ajay Kumar-II, J.)

1. Heard Mr. Virendra Kumar Maurya, the learned counsel for appellant and the learned A.G.A. for State respondent 1.

2. Challenge in this criminal appeal is to the judgment dated 19.08.2025 passed by Additional Sessions Judge/ F.T.C. Court No. 1, Ghazipur in Sessions Trial No. 536 of 2020 (State Vs. Vashishta Yadav) arising out of Case Crime No. 183 of 2020, under Sections 498-A, 304 IPC, Police Station- Nandganj, District Ghazipur, whereby trial court has acquitted the accused opposite party 2 of the charges framed against him.

3. Brief facts of the case are that marriage of sister of appellant namely Sunita Yadav aged about 32 years was solemnized with opposite party 2 Vashishtha Yadav on 10.05.2006 according to Hindu Rites and Customs.

Sister of appellant was harassed on account of bringing less dowry from the date of her marriage. Four daughters were born out from the wedlock of Sunita and Vashishtha Yadav. As no son was born, therefore, her in-laws used to taunt her daily, because of which she was mentally and physically tortured. On 04.04.2020 the appellant received telephonic information from the father of opposite party no. 2 that his sister has died. On arriving at the residence of in-laws of his sister he found that his sister was lying dead. Appellant's niece Preeti and Khushi told him that their mother was beaten badly by her father, elder brother of their father (elder father) and grand father in the night before yesterday.

4. In view of above, appellant submitted a written report Ext. Ka-1 at P.S. Nandgaon, District Hamirpur alleging therein that his sister has been put to death by the accused. On the aforementioned written information of the appellant, an FIR was registered on 04.06.2020 as Case Crime No. 183 of 2020, under Sections 498-A, 304 IPC, Police Station- Nandgaon, District- Ghazipur.

5. After completion of investigation, charge-sheet was submitted against opposite party no. 2. Thereafter cognizance was taken upon same and the case was committed to the Court of Sessions. After hearing both the parties, charges were framed under Section 498A, 304 IPC against opposite party no. 2.

6. In order to prove it's case, the prosecution adduced PW-1 Sunil Yadav (informant), PW-2 Mangal Singh Yadav, PW-3 Avani @ Khusi, PW-4 Dr. Gulab Shankar Singh, PW-5 Nitin Kumar Dubey, PW-6 Tarik Ansari and PW-7 Keshav Ram Yadav. The witnesses adduced by the prosecution have given their respective oral evidence and also proved 13 prosecution papers, which were marked as exhibits. The same is detailed herein below:-

Sl. No.	**Name**	**Nature of evidence**	**Documents proved**
PW-1	Sunil Yadav	Informant &	Tehrir as Ext. Ka-1

		Witness of fact	
PW-2	Mangal Singh Yadav	Witness of fact regarding demand of dowry & harassment of the deceased	
PW-3	Avani @ Khusi	Eye witness of incident	
PW-4	Dr. Gulab Shankar Singh	Expert witness regarding post mortem	Post Mortem Report as Ext. Ka-2
PW-5	Nitin Kumar Dubey	Formal witness, who has prepared Chik FIR & Kayami G.D.	Chik FIR as Ext. Ka-3 & Kayami GD as Ext. Ka-4
PW-6	Tarik Ansari	Proved investgation	Panchayatnama as Ext. Ka-5, R.I. Form as Ext. Ka-6, CMO Form as Ext. Ka-7, Police Form as Ext. Ka-8, Chalan Nas as Ext. Ka-9, Photo Nas as Ext. Ka-10, Specimen seal as Ext. Ka-11, and Site Plan as Ext. Ka-12
PW-7	Keshav Ram Yadav	Proved investigation	Charge-sheet as Ext. Ka-13

7. In statement recorded under Section 313 Cr. P. C., the accused/opposite party 2 denied the prosecution version and the commission of alleged incident. He further stated that he has been falsely implicated due to enmity. Defence also produced D.W. 1 Chandan Yadav, D.W. 2 Mohammad Ubaidullah and D.W. 3 Gama Singh to prove the innocence of accused.

8. By the impugned judgment dated 19.08.2025, trial court has acquitted the accused of the charges under Sections 498-A and 304 IPC. Feeling

aggrieved by the judgement of trial court, present appeal has been preferred by the first informant-appellant.

9. Learned counsel for appellant submits that minor daughter of opposite party 2/ Vashishtha Yadav, namely Avani @ Khushi is an eye witness, who has been examined as PW-3. In her statement before Court below, she has clearly stated that her father/ opposite party 2, uncle Gopal Yadav and her grandfather have killed her mother Sunita in the house of her uncle Gopal Yadav.

10. It has been argued by the learned counsel for appellant that the testimony of child witness Avani @ Khushi as PW-3 is a reliable testimony and the trial court has wrongly disbelieved the same. Lastly, it has been argued that by ignoring the trustworthy testimony of the daughter of deceased, the trial court has committed gross illegality and therefore, the impugned judgement is liable to be set aside by this Court.

11. Learned A.G.A. for the State has vehemently opposed the present appeal. According to the learned A.G.A. the trial court has correctly appreciated the testimony of child witness and has, therefore, rightly come to the conclusion that her testimony is not reliable. The whole prosecution story is based on the testimony of a child witness and when the same has been discarded being not trustworthy, nothing is left against the accused/opposite party 2. Thus, the trial court has rightly acquitted the accused. Lastly, it has been urged that no ground to interfere in the impugned judgment and order is made out, therefore, learned A.G.A. urged for dismissal of the present appeal.

12. We have heard the learned counsel for appellant as well as the learned A.G.A. for State and perused the record.

13. The trial court, while acquitting the accused, has recorded following findings:-

(1) PW-1 & PW-2 both have admitted in their cross examinations that allegations regarding demand of motorcycle and the harassment of their sister for not having a son, were made by them in Court for giving colour to the present case.

(2) PW-1 & PW-2, both have admitted in their cross examinations that no incident of harassment had ever taken place in their presence and they had not moved any application regarding this earlier.

(3) PW-1, the first informant has also admitted that his mental state was not good due to the death of his sister and he had given the written report on the basis of what people had told him.

(4) It has also been admitted by PW-2 that opposite party 2, Vashishtha Yadav, had never demanded any money, goods etc. in dowry.

(5) Testimony of child witness-PW-3 was found to be full of contradictions and from her evidence, it could not be established that accused was harassing the deceased and death of the deceased took place as a result of intentional positive act of the accused.

14. After recording the above findings, the trial court has granted benefit of doubt to the accused and thus acquitted him.

15. While considering the scope of interference in an appeal against acquittal, it has been held by the Supreme Court that if two views are possible, one supporting the acquittal and other indicating conviction, the High Court should not, in such a situation, reverse the order of acquittal recorded by the trial court.

16. While dealing with an appeal against acquittal the Supreme Court in **Babu Sahebagouda Rudragoudar Vs. State of Karnataka, 2024 SCC OnLine SC 561,** has observed as under:-

> **"39. Thus, it is beyond the pale of doubt that the scope of interference by an appellate Court for reversing the judgment of acquittal recorded by the trial Court in favour of the accused has to be exercised within the four corners of the following principles:-**
>
> **(a) That the judgment of acquittal suffers from patent perversity;**
>
> **(b) That the same is based on a misreading/omission to consider material evidence on record;**
>
> **(c) That no two reasonable views are possible and only the view consistent with the guilt of the accused is possible from the evidence available on record.**
>
> **40. The appellate Court, in order to interfere with the judgment of acquittal would have to record pertinent findings on the above factors if it is inclined to reverse the judgment of acquittal rendered by the trial Court."**

17. It has also been observed in above-mentioned judgment that an appellate court, however, must bear in mind that in case of acquittal, there is double presumption in favour of the accused. Firstly, the presumption of innocence is available to him under the fundamental principle of criminal jurisprudence that every person shall be presumed to be innocent unless he is proved guilty by a competent court of law. Secondly, the accused having secured his acquittal, the presumption of his innocence is further reinforced, reaffirmed and strengthened by the trial court. It has also been observed that the appellate court can interfere with the order of acquittal only if it comes to a finding that the only conclusion which can be recorded on the basis of the evidence on record was that the guilt of the accused was proved beyond a reasonable doubt and no other conclusion was possible.

18. Perusal of the impugned judgment in the light of above noted well settled legal position, reveals that first informant/ appellant Sunil Kumar Yadav as PW-1 has clearly admitted in his cross examination that no incident has occurred in his presence and accused had never demanded

money or any articles either from him or his sister. Similar is the position of PW-2 Mangal Singh Yadav. PW-1 and PW-2 are not the eye witnesses of death of their sister. Therefore, no case either of dowry harassment or torture for having no son is made out against the opposite party 2 in the light of their testimonies as rightly appreciated by trial court in paragraph Nos. 17 & 18 of the impugned judgment.

19. The whole prosecution story regarding death at the hand of opposite party 2 revolves around the testimony of the child witness PW-3 Avani @ Khushi. The trial court has appreciated the testimony of child witness in paragraphs no. 19 and 22 of the impugned judgment. The Supreme Court while dealing with the credibility of child witness in **K. Venkateshwarlu vs. State of Andra Pradesh, (2012) 8 SCC 73** has observed as under:

> **"Several child witnesses have been relied upon in this case. The evidence of a child witness has to be subjected to closest scrutiny and can be accepted only if the court comes to the conclusion that the child understands the question put to him and he is capable of giving rational answers (see Section 118 of the Evidence Act). A child witness. by reason of his tender age, is a pliable witness. He can be tutored easily either by threat, coercion or inducement. Therefore, the court must be satisfied that the attendant circumstances do not show that the child was acting under the influence of someone or was under a threat or coercion. Evidence of a child witness can be relied upon if the court, with its expertise and ability to evaluate the evidence, comes to the conclusion that the child is not tutored and his evidence has a ring of truth. It is safe and prudent to look for corroboration for the evidence of a child witness from the other evidence on record, because while giving evidence a child may give scope to his imagination and exaggerate his version or may develop cold feet and not tell the truth or may repeat what he has been asked to say not knowing the consequences of his deposition in the court. Careful evaluation of the evidence of a child witness in the background and context of other evidence on record is a must before the court decides to rely upon it."**

20. In **Hariom alias Hero vs. State of Uttar Pradesh, (2021) 4 SCC 345,** the Supreme Court has further observed that the caution expressed in **Suryanarayana vs. State of Karnataka, (2001) 9 SCC 129** that

"corroboration of the testimony of a child witness is not a rule but a measure of caution and prudence" is a well- accepted principle.

21. When credibility of a child witness is evaluated in the light of above mentioned principle of law, then it is apparent that as per examination in chief of child witness PW-3, Avani @ Khusi, the place of beating of Sunita was the residence of uncle Gopal Yadav, whereas in her cross-examination, she has stated that it was her house. This child witness has fairly stated that his father, uncle and grandfather all are living separately. She has stated that on the day of incident, she went to sleep at 7-8 pm after taking dinner. After hearing noise/ ruckus, she woke up and found that her father, uncle and other villagers were preparing to take her mother to hospital because of her deteriorating heath. When her mother was taken to hospital, she went to the house of her uncle and slept there. It is thus clear that at the time of alleged incident, she was sleeping at her residence. She has not stated anything regarding harassment of her mother on account of demand of dowry. She has also not stated that she was present on the spot at the time of beating of her mother. Therefore, conclusions recorded by the trial court regarding contradictions in her testimony are clearly spelt out from the record. At this juncture, it is important to observe that the child witness has fairly stated regarding her living presently with his maternal uncle Sunil, who is the informant of the present case. She has also fairly admitted that her uncle (informant) has explained to her as to what statement has to be given in the Court. In this background, tutoring of this innocent child witness can not be ruled out, therefore, her testimony has been rightly appreciated by trial court.

22. **We are pained to observe that Trial Judge has not mentioned in the impugned judgment, the injuries found on the body of the deceased, whereas Circular Letter No. 13/VIb-47 dated: 3rd March, 2002 & Circular Letter No. 13/VIb-47 dated 3rd March, 1982 of High Court clearly directs the Judicial Officers to invariably reproduce in their judgments, the injuries from the injury reports of the injured persons. We hope and trust that the aforesaid circulars**

shall be complied with by all the Judicial Officers while writing their judgments.

23. Upon evaluation of evidence so led in the matter, we do not find any perversity in the judgment so as to interfere with the findings returned by court below. The conclusion drawn by Court below is the outcome of due appreciation of evidence on record. No misreading or omission of evidence has been pointed out, either. It cannot be said that only the view consistent with the guilt of accused is possible from the evidence on record. We, thus do not find any good ground to entertain the present appeal filed under Section 413 BNSS, which consequently fails and is, accordingly, **dismissed**.

24. A copy of this judgment be circulated amongst all the judicial officers of State of U.P. through Registrar (compliance) for ensuring compliance regarding reproduction of injuries from the injury reports of the injured persons and/ or deceased in the judgment to be rendered by them.

(Dr. Ajay Kumar-II,J.) (Rajeev Misra,J.)

October 14, 2025
Dhirendra/

Digitally signed by :-
DHIRENDRA KUMAR
High Court of Judicature at Allahabad