2026:AHC:212055

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 10356 of 2026

Ram Shakal Ram

.....Appellant(s)

Versus

State Of U.P. And 5 Others

.....Respondent(s)

Counsel for Appellant(s)	:	Dinesh Kumar Singh
Counsel for Respondent(s)	:	G.A.

Court No. - 91

HON'BLE SANTOSH RAI, J.

1. Heard learned counsel for the appellant and learned AGA for the State.

2. The present criminal appeal has been filed by the appellant with a prayer to set aside the impugned order dated 24.8.2026 passed by Special Judge, SC/ST Act, Azamgarh in Criminal Misc. Case No.1788 of 2026 (Ram Shakal Ram vs. Ram Chandra Pathak & Ors.), P.S.- Jahanaganj, District- Azamgarh, whereby the application of the appellant/applicant under Section 173(4) B.N.S.S. has been rejected.

3. Learned counsel for the appellant submits that the accused persons fraudulently obtained a sum of Rs.6,75,000/- from the complainant on the false promise of providing a government job, out of which Rs.1,00,000/- was paid in cash and Rs.5,75,000/- was transferred to the bank accounts of the accused persons. It is further submitted that the accused persons also caused injuries to the complainant. Therefore, the impugned order is liable to be set aside and appropriate directions for registration and investigation of the case be issued.

4. Learned AGA opposes the appeal and submits that the complainant has failed to produce reliable medical evidence to substantiate the allegation of causing injuries. It is further submitted that the relevant facts regarding the alleged payment of money are within the personal knowledge of the complainant and that no interference with the impugned order is warranted.

5. In the application under Section 173(4) of the BNSS, it has been

alleged that the accused persons have received a substantial amount of money from the complainant on the false promise of providing him with a government job. It is further alleged that a sum of Rs.1,00,000/- was paid in cash, whereas an amount of Rs.5,75,000/- was transferred to the bank account of the accused persons. Admittedly, the complainant himself is alleged to have participated in an unlawful transaction by offering consideration to the accused persons for securing a government job. There is no requirement of recovery of any incriminating article, as the relevant facts are within the specific knowledge of the complainant himself. So far as the allegation of causing injuries is concerned, no reliable medical evidence has been brought on record, except the injury report.

6. For the reasons recorded above, this Court finds that the learned trial court has rightly rejected the application under Section 173(4) B.N.S.S. of the appellant/applicant. The impugned order is well reasoned and does not suffer from any illegality or infirmity warranting interference in appellate jurisdiction.

7. The instant appeal, being devoid of merit, stands **dismissed**.

8. Registrar (Compliance) is directed to serve a copy of this order by FAX/e-mail to the court concerned through District & Sessions Judge concerned within one week.

(Santosh Rai,J.)

October 9, 2026
RA

Digitally signed by :-
RAZIQ ALI
High Court of Judicature at Allahabad