



**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO. _____ OF 2026
(Arising out of SLP (Crl.) No 11085 of 2023)

MOHAMMAD KALEEM

... APPELLANT(S)

Versus

STATE OF UTTAR PRADESH & ORS.

...RESPONDENT(S)

WITH

CRIMINAL APPEAL NO. _____ OF 2026
(Arising out of SLP (Crl.) No 11510 of 2023)

J U D G M E N T

SANJAY KAROL, J.

Leave Granted.

2. The Appellant herein is the complainant in the First Information Report¹ dated 22nd August 2017 registered at Police Station – Kotwali Nagar, District Muzaffarnagar under Sections 307, 302 and 120-B, Indian Penal Code, 1860² and PW-1 in subsequent proceedings arising therefrom. He takes exception to the Trial

¹ FIR

² IPC

Court³ and High Court⁴ both refusing to allow his application to summon additional accused preferred under Section 319 of the Code of Criminal Procedure.⁵

3. The case pertains to the alleged killing of one Ammar and the people who apparently, came together to make it happen. The FIR read thus:

“Sir, it is submitted that Gulshanawwar, Jamshed, Naushad, S/O Ishrat are top criminals of P.S Bhopa, who are lying in jail in connection with murder and other cases. Previously, they have shot at my brother Khalid @ Bhura and on the next day they have shot at my nephew Taslim have committed his murder. Mohammad Ammar S/o. Nurulla of our village was pleading in this case. Today, hearing was to be conducted in the court of S.C.J.M-3 on the application of my nephew. I was going to the court to plead in aforesaid case with Mohammad Ammar by scooter at around 10:30 A.M and after travelling some distance on reaching Aryapuri Galli from Ansari Road, Dilshad S/o Ishrat, Mumtaz S/o Azmat R/o Sikri, Abid S/o Nushrat R/o Rudkali accompanied by one more accomplice, who I will recognize by his face, came over there from behind by motorcycle and with an intention to kill, they have fired shots at Ammar. Iqbal S/o Sagir and I have witnessed this incident. We have immediately taken Ammar by rickshaw to the government Hospital, where the doctors have declared him brought dead. Rajendra S/o Rajpal, Mausam S/o. Asghar R/o Sikri are involved in this conspiracy, who have plotted conspiracy on the behest of Gulshanawwar, Jamshed, Naushad and have committed murder of Ammar...”

4. After completion of investigation, challan was presented against certain persons. In the list of witnesses presented by the two prosecution witnesses, who according to the complainant were necessary for the establishment of the case against the accused Dilshad and others, were not listed. An application was made to have the said people be examined as witnesses before the Trial Court which came to

³ Additional Sessions Judge, Court No.1 ,Muzaffarnagar in Sessions Trial 414 of 2018

⁴ High Court of Judicature at Allahabad in Criminal Revision No. · 1687 of 2020

⁵ CrPC

be rejected by Order dated 17th March 2021. The same was set aside by the High Court⁶ and the said witnesses namely Khalil and Tazeem were examined as PW-6 and PW-7 respectively. It appears that on the basis on his own statement under Section 161 CrPC and the testimony of PW-6 and PW-7, the complainant wished to have two additional persons, namely Rajendra and Mausam summoned as accused persons under the power granted to the Court under Section 319, CrPC.

5. The Trial Court disposed of the application by order dated 30th November 2011, rejecting the same. A perusal thereof reveals that people already standing trial before the Court filed objections to having the two above named persons as co-accused. The Court considered the said objections along with the evidence as led by PW-1, PW-6 and PW-7. The Court first noted that the allegation of conspiracy was based primarily on the statements of the complainant (PW-1) and the witnesses PW-6 Khalil and PW-7 Tazim. However, their accounts were materially inconsistent. While the complainant stated that Rajendra and Mausam had met three accused persons in jail, namely Gulshanawwar, Naushad and Jamshed, PW-6 stated that the meeting was with Gulshanawwar and Naushad who mentioned about a discussion with Jamshed. PW-7, on the other hand, stated that the meeting was only with Gulshanawwar. These inconsistencies created serious doubt regarding the alleged meeting and the existence of any conspiracy. The Court further observed that the witnesses did not specify any exact date or time of the alleged meeting and merely stated that it occurred about fifteen days before the incident. Ordinarily, the entry and exit of visitors in jail premises is recorded in official registers, yet the witnesses did not refer to any such record. This omission weakened the credibility of the claim that the meeting had in fact taken place. The investigation record also undermined the prosecution version. The case diary indicated that the accused Jamshed had

⁶ *Application U/S 482 No.- 9654 Of 2021*

earlier been transferred from the local jail to Saharanpur Jail and thereafter to Mirzapur Jail, following a quarrel among inmates. As a result, he was not present in the local jail at the relevant time. This circumstance cast further doubt on the allegation that Rajendra and Mausam had met him there shortly before the incident.

Still further, it was found the circumstances in which PW-6 and PW-7 allegedly overheard the conversation to be doubtful. According to their own statements, they heard the discussion while passing near the meeting place while returning home. However, their houses were situated between Rajwaha and the alleged meeting place, and there was no settlement beyond that point. In such circumstances the Court found it unlikely that they would have taken that route. The Court also noted that despite allegedly hearing about a plan to murder Ammar, the witnesses did not inform the deceased but reported the matter only to the complainant, who admittedly had prior enmity with the accused persons. The Court then examined the testimony of the complainant and found significant contradictions between his FIR and his statement before the Court. In the FIR he stated that four assailants arrived on two motorcycles and opened fire. During his testimony he introduced a new version stating that three additional persons had also arrived on another motorcycle. This fact had not been mentioned in the written report or in his earlier police statement. The allegation of a prior conspiracy was also absent from the FIR. Further inconsistencies were noted regarding the circumstances in which the injured Ammar was taken to the hospital. The complainant stated that he had taken the deceased to the hospital where he was declared dead. However, the general diary entry recorded that Ammar was brought to the hospital in an injured condition and died later, and that he had been brought there by a rickshaw puller named Farid Ahmad. These contradictions raised doubts about the reliability of the complainant's account. The Court also considered the physical circumstances of the incident. The

complainant claimed that he was seated behind the deceased on a scooter when the assailants fired multiple shots. The post-mortem report showed that the deceased sustained five gunshot injuries. Despite being in such close proximity during the attack, the complainant did not suffer any injury, even though he admitted that the accused persons had prior enmity with him. The Court regarded this circumstance as suspicious. The Court also found the alleged motive to be weak. The prosecution claimed that Ammar was targeted because he had been pleading strongly in another murder case involving the accused persons. However, the complainant admitted that Ammar was not a witness of fact in that case and had only been a witness for the seizure of blood-stained soil. The deceased had never testified against the accused persons. In fact, it was the complainant who had deposed against them.

In light of these factors, the Court held that the evidence of the complainant was inconsistent with the FIR and the documentary record, and that the statements of PW-6 and PW-7 were mutually contradictory and unreliable. The Court, therefore, concluded that the evidence did not reach the standard required for summoning additional accused under Section 319 CrPC and that no sufficient ground existed to summon Rajendra and Mausam to face trial.

6. We have heard the learned counsel for the parties and perused the case record. The central question is the propriety of the exercise of power by the Trial Court under Section 319 Cr.PC and the justifiability of the imprimatur granted thereto by the Court below. Before proceeding to the merits of the matter, it is important to understand the scales on which the question of propriety will be adjudged. Courts generally assess evidence at three distinct levels, depending on the stage of proceedings and the nature of the relief prayed for. The lowest threshold, or *prima facie* standard, requires only a connection to proceed with formal charges. The middle threshold, which is often described as *strong and cogent*, applies when

Courts consider summoning additional accused under Section 319 CrPC; the evidence must be reliable and reasonably persuasive, but proof beyond reasonable doubt is not required. The highest threshold demands proof beyond reasonable doubt, the standard necessary for conviction, where the Court must be fully satisfied of the guilt of the accused. It is best illustrated through a hypothetical situation-

At night, a high-end jewelry store is robbed. Police investigation seizes CCTV footage showing a masked person fleeing on a motorcycle, statements from two eyewitnesses, and phone records linking certain suspects to the vicinity of the store at the time of the incident.

At the first stage, the investigating officer submits a charge-sheet against Person 'A'. The Magistrate reviews the evidence, including the CCTV footage, witness statements, and other investigative material. Based on this, the Magistrate finds that there is sufficient ground to believe that 'A' may have committed the offence and frames charges. This stage requires evidence indicating involvement beyond mere suspicion, but it does not demand full proof or trial-level examination thereof.

During the trial of 'A', evidence emerges suggesting that Persons 'B' and 'C' may also have been involved in planning or executing the robbery. A witness reports seeing 'B' near the scene discussing the plan with 'A', while phone records and CCTV footage show interactions between 'A', 'B', and 'C'. The Court would examine whether this evidence is strong and cogent enough to summon 'B' and 'C' as additional accused under Section 319. Minor contradictions in witness accounts or timing are noted, but they do not automatically negate the overall reliability of the evidence. At this stage, the court is not determining guilt, only assessing whether a reasonable inference of involvement exists.

As the trial continues, forensic evidence reveals fingerprints of 'B' on the display case and DNA of 'C' on a glove left at the scene. Eyewitnesses place 'B' and 'C' at the time of the robbery, and phone messages show coordination among all the three. Cross-examination fails to provide credible alibis. Cumulative assessment of the evidence leaves no reasonable doubt regarding the participation of 'A', 'B', and 'C', and the Court can convict all three. This represents the highest threshold, where minor inconsistencies are immaterial because the totality of the evidence conclusively establishes guilt.

7. The standard of judicial review having been appreciated as above, we turn back to the instant facts. The discussion made by the Trial Court is reproduced below, since the emphasis is on contradictions, apparently minor or even major, it is imperative, at the cost of brevity, to appreciate the consideration given thereto:

"It is also pertinent to mention here that application in question was presented on the basis of sufficiency of evidence as to plotting of conspiracy by proposed accused persons namely Rajendra and Mausam on the behest of accused persons already detained in the Jail namely Gulshanawwar, Jamshedvand Naushad on the basis of statements of PW- 6Khalil and PW- 7 Tazim recorded before the Court. In this case, this statement made by complainant Mohammad Kalim (PW- 1) before the Court during his examination-in-chief is important that, "15 days before this incident, Tazim and Khalil of my Village have told me that they have heard Rajendra and Mausam discussing with Dilshad, Mumtaz and Aabid that when they have gone to meet Gulshanawwar, Naushad, Jamshed in the Jail at that time they have sent the name back saying that Mohammad Ammar is pleading much in the case, so remove him from the way and they have also said that while taking our names tell them to do this act and they have also said that this act is to be committed only at Muzaffar Nagar since they will not find witnesses over there".

In this way, as per the statement of PW- 1, above both witnesses PW- 6 and PW- 7 have stated about accused persons namely

Dilshad, Mumtaz as named in F.I.R of Ex. A-1 making with 3: accused persons namely Gulshanawwar, Naushad and said in the Jail, who have given them message of committing murder of deceased Ammar and having discussion in this regard. It is evident that from among all 3 accused persons named in the F.I.R of Ex. A-1 namely Dilshad, Mumtaz and Aabid, the Police has only found accused Dilshad to be involved in this incident, whereas, no evidence was found against other 2 accused persons. In this situation, it is expedient to analyze the statements made by complainant (PW- 1) and PW- 6 and PW- 7 on aforesaid relevant point. In this regard, on the one hand complainant (PW- 1) has stated about above two proposed persons meeting above 3 accused persons in the Jail, whereas, PW- 6 Khalil Ahmad has stated in his examination -in -chief that Mausam and Rajendra were telling Mumtaz, Aabid, Dilshad that when we have gone to meet Gulshanawwar and Naushad in the Jail at that time they have said that they have had discussion with Jamshed that Ammar is pleading a lot. Go and tell Dilshad, Mumtaz and Aabid that Ammar Pradhan is to be killed at Muzaffar Nagar and not in Village Sikri, so that they may not find any evidence in Muzaffar Nagar. On aforesaid point, witness PW- 7 Tazim has stated in his examination-in-chief that Rajendra and Mausam have told that today we have gone to meet Gulshanawwar in the Jail. Gulshanawwar told us that Ammar Pradhan is pleading a lot in this case, he needs to be removed from the way and he has had discussion in this regard with Jamshed, Dilshad, Naushad and it was also decided that he was not to be killed in the Village, rather, in the town. In addition, above both witnesses PW- 6 and PW- 7 have also stated that after hearing aforesaid discussion they have come and narrated it over to their uncle Kalim on the same day. On the point of reaching at the so-called place of meeting, PW- 7 has stated that murder of Ammar Pradhan was committed on 22/8/2017. Nearly 15 days before this incident he has gone to know the wellbeing of mother-in-law of his uncle Bhura @ Khalid. She has sustained fractures in her hip bone. They were sitting over there and while he was sitting even Khalil has come. They have departed for their houses from there at around 7-7:15 p.m. Meeting place of Gulshanawwar was situated on the way and when they reached near to the meeting place at that time they have heard the name of Ammar Pradhan, on which they have stood over there near the jungle and at that time they have heard

the fact as to discussion (conspiracy). Similarly, PW- 6 has also stated that murder of deceased Ammar was committed on 22/8/17. 15 days before aforesaid incident he has gone to the house of his relative. The daughter of his sister-in law was married with Dilshad. Mother of Dilshad has sustained fractures. He has gone over there to know the well being of her. He has reached at the house of Dilshad at around 6-X: 30 a.m., where he has met with Tajim and he has stayed over there for around one hour and he also has had tea etc. Thereafter, Tazim and he have departed from there. In this way, it is evident from the statements of above 3 witnesses that on the one hand complainant PW- 1 states about meeting between the proposed persons and 3 accused persons detained in the Jail persons meeting only with 2 accused persons detained in the Jail namely Gulshanawwar and Naushad, who have stated to have had discussion with Jamshed, whereas, PW- 7 states about meeting only with one accused detained in the Jail named Gulshanawwar, who has given message to aforesaid both proposed persons. In addition, he also said that he has had discussion with all namely Jamshed, Dilshad and Naushad. It is pertinent to mention here that no exact date and time of so-called meeting by the proposed both persons with the persons detained in Jail is mentioned, rather, only this much was stated that aforesaid given to place nearly 15 days before the incident, whereas, entry and exit regarding any person in the Jail is maintained in the register, in respect of which, aforesaid witnesses are silent. It is evident that all 3 accused persons namely Gulshanawwar, Naushad and Jamshed concerning criminal conspiracy were detained in the Jail at the time of incident. Investigating Officer has arraigned while they were detained in the Jail and has recorded statements of above 3 accused persons U/s. 161 of Cr.P.C. with the prior permission of the Court and then only charges were invoked against them. In this regard, it would be appropriate to perused the evidences gathered by the investigating Officer, in respect of which, CD number 17 of the case diary is important, which was prepared by the investigating Officer on 18 / 9 / 2017, which bears seeking aforesaid permission of the Court for recording statement is mentioned and it is also evident here that after receiving permission from the Court, the investigating Officer has has paid visit to District Jail, Muzaffar Nagar to record the statements of accused persons namely Dilshad, Gulshanawwar and Naushad under judicial custody detained in the

Jail and while sitting in the Office of Dy. Jailer, he has separately recorded statements of above accused persons. According to aforesaid statements, this fact has appeared In the statement of accused a mutual quarrel has broken out between the prisoners inside the Jail. In view of aforesaid quarrel, accused Jamshed was firstly sent to Saharanpur Jail and thereafter he was sent to Mirzapur Jail, that is, on the date of his statement, that is, on 18/ 9 / 20 17, accused Jamshed not being detained in local Jail was rather detained in Mirzapur Jail, and in this regard, Investigating Officer has referred to the fact in CD that accused persons were firstly sent to Saharanpur Jail and then to Mirzapur Jail nearly 1 year before statement was recorded, whereas, it has been alleged that meeting took place in the jail nearly 15 days before the incident took place on 22.8.2017, of which no exact date or time is mentioned and even the statement of complainant and other two witnesses on aforesaid point of meeting is not alike. PW -6 and PW- 7, both of them in their statements have stated about the meeting place of Gulshanawwar lying on the way while they were returning back to their houses, from where they were passing by naturally, but witness Gulshanawwar is slightly away from "Rajwahe". Their ancestral houses are situated in between Rajwahe and the place of meeting and after Rajwaha there is no settlement, i.e. when no settlement is present on that side then it is not natural for above both witnesses to go from that side. Besides this, it is pertinent to mention here that according to PW-6 and PW-7, after above both witnesses (PW- and PW-7) have received the message in the jail from accused persons namely Gulshanawwar, Naushad and Jamshed, first of all, they were expected to inform the deceased, but they have told this fact only to the complainant Kalim, who is having enmity with the accused persons, whereas, PW-6 hailed from Seikh Community and brother of deceased named Haji Hafiz used to stay in Village Ummed, Sikri, but he has not informed him about it.

It is pertinent to mention here that complainant has claimed himself to be an eye-witness, on which basis he has named accused persons in the F.I.R, but evidences gathered during the course of investigation. In this situation, even the evidence of complainant (PW-1) is subject to scrutiny. In the F .I. R of Ex. P-1, complainant has stated about the deceased riding scooter and he himself was sitting as pillion and before reaching at the place of incident, three known and one unknown persons came over there by two

motorcycles, who have fired shots at scooter rider Ammar. Thereafter, injured Ammar was taken by the complainant and one more witness Iqbal to the District Hospital, where he was declared dead, but while appearing before the Court as PW- 1, he has admitted that, "it is true that besides the accused persons named in the F.I.R, I have not mentioned the names of 3 persons coming by another motorcycle to the place of incident in my written report. It is true that for the 1st time I have stated before the Court about 3 unknown persons coming by 1 more motorcycle to the place of incident. I have not told aforesaid fact over to the SHO in my Police statement. persons had enmity with him and there were for accused persons who have fired shots at the place of incident and there were a total of 7 accused persons present at the place of incident. He has got recorded the names of a total of 4 accused persons in the report. He has not got mentioned the fact as to a total of 7 accused persons in the report. Above witness PW- 1 has further stated that at the time of murder of Ammar the accused persons namely Jamshed, Gulshanawwar and Naushad were detained in Jail. All 3 of them were detained in Jail in connection with murder case of Tasleem. In his report, he has not got this fact mentioned that, "15 days before this incident, Tazim and Khalil have told me that they have heard Rajendra, Mausam discussing with Dilshad, Mumtaz, Aabid that both of them have gone to meet Gulshanawwar, Naushad, Jamshed in the Jail, who have sent them while saying that Mohammad Ammar is pleading a lot in the cases, so remove him from the way and they have also said Nagar since he would not find witnesses over there".PW- 1 has admitted this fact that accused Jamshed was in Mirzapur Jail on the date of incident and he does not know that for how long Jam shed has been in the Jail before this incident. Complainant has clearly mentioned in the F.I.R that they have brought Ammar by rickshaw to the Hospital, where the doctors have declared him as dead, that is, in the aforesaid report, complainant has mentioned that deceased was declared as dead as soon as they have reached Hospital, whereas, as PW- 1, though, he has denied from this fact that a rickshaw puller named Farid has taken the Ammar in dead condition to the Hospital and rickshaw puller has admitted him in dead condition in District Iqbal has not met with the Doctor in his presence and treatment of Ammar continued for around 30-45 minutes. This fact is mentioned in G D number 37dated 22/08/2017 of P.S. Kotwali Nagar, Muzaffar Nagar

available on record that ward boy Akash having appeared at Police Station from District Hospital Muzaffar Nagar has filed a memo that Mohammad Ammar was brought to the emergency ward in injured condition at 10:20 a.m. At 11:25 AM, he has died. Through Farid Ahmad son of Rashid Ahmad Laddawala Muzaffar Nagar, Mobile Phone No. 8869090310. In this way, on the point of time of death of deceased, there are clear and substantial Hospital, but he has definitely stated that Iqbal and he having lifted up Ammar have taken him to the doctors, but he did not meet with the Doctor, nor has Iqbal has not met with the Doctor in his presence and treatment of Ammar continued for around 30-45 minutes. This fact is mentioned in G D number 37 dated 22/08/2017 of P.S. Kotwali Nagar, Muzaffar Nagar available on record that ward boy Akash having appeared at Police Station from District Hospital Muzaffar Nagar has filed a memo that Mohammad Ammar was brought to the emergency ward in injured condition at 10:20 a.m. At 11:25 AM, he has died. Through Farid Ahmad son of Rashid Ahmad Laddawala Muzaffar Nagar, Mobile Phone No. 8869090310. In this way, on the point of time of death of deceased, there are clear and substantial contradictions in the statement of complainant and facts mentioned in the report. It is evident from the statement of complainant (PW- 1) that he has admitted his enmity with the accused persons of this case. Above witness PW- 1 has clearly stated that Jamshed, Gulshanawwar and Naushad, all 3 of them were detained in Jail in connection with murder case of Tasleem and even in the aforesaid case shot was fired at him with an intention to kill him, but he has escaped by whisker and in this case he is eyewitness and accused persons having come from behind have prevented his way by motorcycle and suddenly fired at him with an intention to kill him. He has not sustained any firearm injury in the aforesaid incident, nor has she sustained any other injury, rather, he has escaped by whisker. He is eyewitness to the incident of half murder case (Section 307 of IPC) that has happened with his brother Bhura and he is also the informant. Shots were fired at him in the incident that has happened with Bhura with an intention to kill him, but he has escaped by whiskers and he has not sustained any injury. In all aforesaid 3 incidents, neither has he sustained any injury from truncheons-mistakes, nor has he sustained any firearm injury. It is expedient to mention here that complainant has stated to be riding as they pillion behind the deceased on the during the

course of his statement that assailants have overtaken his scooter from among whom 4 of the assailants have started firing, in which incident it was the deceased who has sustained all the gunshot injury and complainant was riding as a pillion has not sustained any kind of injury, whereas, in the post-mortem report of deceased, 3 gunshot injuries were shown on the back, whereas, two gunshot injuries were shown in the front, which is clearly in contradiction to the facts mentioned in the aforesaid written report of complainant and his statement recorded on oath. In his F.I.R, the complainant has stated about 4 assailants coming to the place of incident by 2 Nos. of motorcycles, whereas, in his statements, he has also stated the presence of 3 other persons coming by one motorcycle and while aforesaid 4 assailants were firing shots and complainant has also stated Besides this, presence of another witness PW- 2 Iqbal was also stated and he was also stated to be an eyewitness, who along with the complainant has allegedly taken the deceased to Hospital, whereas, no such kind of documentary evidences available on record. Complainant has stated about above witness Iqbal to have reached at the site by motorcycle alongwith him, reason whereof as per the complainant is that complainant did not know how to ride motorcycle, for this reason he has brought him along and on this point, on page number 21 of his evidence, he has stated that he does not remember that whether he has got this fact mentioned in his report that Iqbal Sf o. Sagir Hasan was following him on motorcycle from behind or not. On seeing the report, this witness has stated that this fact is not mentioned in the report. It is pertinent to mention here that complainant has stated that the main objective of accused persons, who have been detained in Jail, was the deceased pleading in the case in which PW- 1 has also admitted in his evidence that in the aforesaid murder case of Tasleem, deceased Ammar was the witness for seizure of blood stained soil from the place of incident and in an incident that has happened earlier in which his brother Bhura has sustained firearm injury, Ammar was not a witness and deceased Ammar was also not a witness in the abduction case of his brother Tazim. In addition, he has further stated that deceased Ammar has never deposed against accused persons, rather, he has deposed. He does not know that whether Ammar has presented affidavit while pleading against accused persons or not. It is evident from aforesaid the statement of PW- 1 that deceased Ammar was not a witness of fact in the murder

case of Tasleem in which accused persons were detained in Jail, rather, he was just a witness for seizure of blood stained soil and deceased has never deposed against them, rather, it was the complainant who has deposed. It is the plaintiff who has admitted his enmity with the aforesaid 3 cases of attack, he has escaped by whisker and he has been eyewitnesses as well as informant in aforesaid entire cases. Even in the instant case, he has stated about riding on pillion behind deceased at the time of incident and 4 Nos. of assailants firing shots at the deceased, as a result of which 3 gunshot injuries were sustained on the back and 2 Nos. of gunshot injuries were sustained in front, but despite of it, complainant has not sustained any kind of injury, whereas, accused persons had enmity with the complainant. Under these circumstances, statement of complainant itself lies within the periphery of reasonable suspicion. In this way, evidence of complainant is in clear contradiction on substantial points from his F.I.R and evidences of PW- 6 and PW- 7 are mutually contradictory and are in contradiction with the evidences of the plaintiff on substantial points.”

8. The Trial Court’s reasoning in rejecting the Section 319 application, *prima facie* appears to be largely aligned with the principles laid down by this Court, such as the requirement that evidence must be strong and cogent rather than mere suspicion. Both *Hardeep Singh v. State of Punjab*⁷ and *Neeraj Kumar v. State of UP*⁸ emphasize that the power under Section 319 CrPC is extraordinary and should be exercised sparingly. The Court must assess whether the evidence on record, if unrebutted, reasonably indicates the involvement of the proposed accused.

9. At the same time, the Court has highlighted certain limits to the Trial Court’s discretion at Section 319 CrPC. stage. *Hardeep Singh(supra)* clarified that the Court need not establish guilt or conduct a detailed credibility assessment at this stage, while *Neeraj Kumar (supra)* held that pre-trial scrutiny should not resemble a *mini*

⁷ (2014) 3 SCC 92

⁸ 2025 SCC OnLine SC 2639

trial. The Trial Court, in this regard appears to have misdirected itself. In evaluating minor contradictions between witness statements and plausibility issues such as whether the complainant could have avoided injury, effectively applied a stricter standard than necessary.

10. Another instance is that higher than necessary standard being applied is reflected where the Court relied on the absence of jail records or highlighted minor discrepancies in hospital admission or FIR details. While these points raise valid questions about reliability, they are not points that can be gone into threadbare at this stage. Further, we find the Trial Court to have erred in taking a fragmented approach while appreciating evidence. The Trial Court treated each inconsistency in isolation rather than assessing the cumulative weight of all testimonies and circumstances. Similarly, reliance on documentary corroboration is not required; oral evidence alone, if credible, may suffice. The Court's emphasis on the lack of jail records and the physical plausibility of witness accounts could be seen as exceeding the threshold scrutiny expected at this stage. The Court overstepped the intended scope of pre-trial scrutiny, overemphasized minor inconsistencies, and did not fully consider the cumulative force of the evidence. The law consistently balances caution against undue summoning with the need to ensure that potentially implicated individuals are brought to trial when the record, taken as a whole, reasonably supports it.

11. Apart from the point of standard of review, it is also noticed that the proposed additional accused, namely Mumtaz and Aabid, have been named as persons involved in the case by way of a larger conspiracy or otherwise, by PW-1, as noticed by the trial court itself and also PWs 6 & 7. It is a separate matter that, as found by the Trial Court, there are inconsistencies in the overall testimonies of these witnesses but, that is a matter of trial and not within the Court's scope at the time of considering an application under section 319 CrPC. The testimony, on oath, by 3 witnesses,

including the complainant no less, in our view, is sufficient in the facts of this case to meet the strong and cogent evidence standard.

12. In view of the above discussion, the judgments of the Courts below with particulars as described in paragraph 1, stand set aside. The persons who sought to be produced as additional accused are ordered to be produced as such, and proceeded with, in accordance with law. These appeals are accordingly allowed. Let a copy of this order be sent to the Trial Court for necessary action, through the Registrar General, High Court of Judicature at Allahabad.

Pending applications, if any, shall stand closed.

.....**J.**
(SANJAY KAROL)

.....**J.**
(AUGUSTINE GEORGE MASIH)

New Delhi
March 17, 2026