



**Non-Reportable**

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

**Special Leave Petition (Crl.) No.6108 of 2025**

**Rajjan Lal @ Rajanu**

**...Petitioner**

**Versus**

**State of Uttar Pradesh & Ors.**

**...Respondents**

**ORDER**

1. The petitioner is aggrieved by the impugned judgment of the High Court which confirmed the rejection of an application filed under Section 319 of the Code of Criminal Procedure, 1973<sup>1</sup> for summoning four other persons named in the FIR, in addition to the one arrayed as accused, who was the driver of the vehicle, which caused the accident.

2. The allegation which led to the registration of the FIR was that the complainant, the petitioner herein, while returning from his farmhouse on a bicycle, with his son

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<sup>1</sup> for brevity 'the Cr.P.C'

riding pillion, a jeep in which five named persons were sitting dashed against the bicycle deliberately, thus resulting in injuries to both the complainant and his son. The FIR is seen at Annexure P2. The final report was filed by the police only against the alleged driver of the vehicle.

3. This Court had expressed an apprehension on 23.09.2025 as to the charge sheet having been filed against only one person while there were five accused named in the FIR. Learned Government Advocate took time for an independent and objective revisit of the investigation at a higher level. Today, the learned Government Advocate has produced an investigation report, which clearly indicates that the original investigation revealed only the involvement of the driver of the vehicle and hence the charge sheet was filed against the one accused arrayed and the other let off. The further investigation also came to the same conclusion.

4. Learned counsel for the petitioner had vehemently argued that there was a prior enmity by reason of which the collision was stage managed. The petitioner and his son had

clearly stated before police that they had seen all the five named persons sitting in the vehicle. The learned Additional Sessions Court and the High Court clearly erred in having not summoned the other accused under Section 319 of the Cr. P.C. Their innocence or otherwise can be decided only in a full-fledged trial.

5. We were informed that the trial has proceeded considerably. In fact, we notice from the order of the Additional Sessions Court produced as Annexure P-9 that PWs 1 and 2, the complainant and his son, were examined before the Court and their deposition was only to the extent of the sole accused arrayed in the charge sheet having driven the vehicle. The mere presence of the other four do not establish any involvement.

6. We also looked at the FIR and the statement of the two eyewitnesses which indicate that while they were proceeding to the farmhouse, they saw the vehicle with five identifiable persons sitting inside. It was on their way back to their residence that the collision was alleged. There is no statement that at the time of collision, the other four were

inside the vehicle. Even if they were inside the vehicle, as rightly found by the Trial Court, there is nothing to suggest that there was a criminal intent on the part of the four persons travelling in the vehicle.

7. We cannot but notice that the trial has proceeded considerably and hence the complainant was aware that the charge was laid only against the driver of the vehicle. The complainant made no efforts to make a protest complaint as provided under the Cr. P.C. Section 319 of the Cr.P.C. is a *suo motu* power conferred on the Court, which though could be invoked by the complainant, it would depend upon the satisfaction of the Court based on the evidence led at the time of trial. The Additional Sessions Court, which has recorded the evidence, found no cause to invoke the *suo motu* power under Section 319 of the Cr. P.C.; which cannot be lightly invoked on the mere accusation made by the complainant.

8. On the facts also, we find absolutely no reason to interfere with the said order. The Special Leave Petition is devoid of merit and the same stands rejected. We make it

clear that the observations made by us in this order or by the High Court, would not govern the proceedings before the Trial Court in the final disposal of the matter. We also make it clear that we have not, in any manner, opined on the guilt of the sole accused, which would have to be considered independently on the evidence led before the Court.

9. Pending application(s), if any, shall stand disposed of.

..... J.  
(AHSANUDDIN AMANULLAH)

..... J.  
(K. VINOD CHANDRAN)

**NEW DELHI**  
**DECEMBER 09, 2025.**