

Court No. - 84

Case :- CRIMINAL APPEAL No. - 4399 of 2023

Appellant :- Vivek Verma And Another

Respondent :- State of U.P. and Another

Counsel for Appellant :- Shailendra Kumar Singh

Counsel for Respondent :- G.A., Ashish Goyal

Hon'ble Mrs. Sadhna Rani (Thakur), J.

Learned counsel for the appellant and learned counsel for the opposite party no. 2 are present. Heard them on appeal.

This is an appeal filed by the appellants against the order dated 15.02.2023 passed by the Special Judge, (SC/ST Act), District Agra in Special Sessions Trial No. 115 of 2021 (State Vs. Anil and another) arising out of Case Crime No. 461 of 2020 whereby the charge was framed by the trial court against the appellants under Sections 420, 504, 506 IPC and 3(2)5A of SC/ST Act.

Today, this court has decided Criminal Appeal No. 6506 of 2022 (Vivek Verma Vs. State of U.P. and another) related to the same sessions Trial No. 115 of 2021 arising out of same Case Crime No. 461 of 2020 under Sections 420, 504, 506 IPC and 3(2)5A of SC/ST Act, Police Station Jagdishpura, District Agra, wherein the order dated 04.08.2022 of the same court; Special Judge, SC/ST Act was challenged. By the order dated 04.08.2022 the discharge application of the appellants Vivek Verma and Anil Verma was rejected by the trial court. The Criminal Appeal No. 6506 of 2022 is allowed partly and it is found that the charges under Sections 420, 504, 506 IPC can be framed against the appellant Vivek Verma. The present Criminal Appeal No. 4399 of 2023 is preferred against the order of framing charge against Vivek Verma and Anil Verma which was passed by the trial court after rejecting their discharge application vide order dated 04.08.2022.

Admittedly, the offence of both the accused persons are identical so on the basis of order passed in Criminal Appeal No. 6506 of 2022 and with the consent of learned counsel for the parties, this appeal is partly **allowed**. The order dated 15.02.2023 of framing charges against the appellants Vivek Verma and Anil Verma under Sections 420, 504, 506 IPC and 3(2)5A of SC/ST Act is amended

to the extent that the charge under Section 3(2) 5A of SC/ST Act is not made out against the appellants, so the charge under Sections, 420, 504, 506 IPC be framed against both the appellants.

Order Date :- 12.10.2023

Radhika