

Court No. - 85

Case :- CRIMINAL APPEAL No. - 7709 of 2023

Appellant :- Virendra Chaurasia And 3 Others

Respondent :- State of U.P. and Another

Counsel for Appellant :- Ram Pravesh Yadav, Swatantra Kumar Rai

Counsel for Respondent :- G.A.

Hon'ble Mayank Kumar Jain, J.

Heard learned counsel for the appellants and learned A.G.A. for the State-respondent.

This appeal under Section 14-A(1) of the SC/ST Act has been filed against the cognizance order dated 22.06.2023 passed by Special Judge (SC/ST Act), Sant Kabir Nagar as well as impugned charge sheet dated 24.05.2023 in Special Sessions Trial No.496 of 2023 (State Vs. Virendra Chaurasia and others) arising out of Case Crime No.0034 of 2023, under Sections 147, 323, 504, 506, 427 I.P.C. and Section 3(1)(Da), 3(1)(Dha) of SC/ST Act, Police Station Dharm Singhwa, District Sant Kabir Nagar, pending in the Court of Special Judge (SC/ST Act), Sant Kabir Nagar.

There is an allegation against the appellants that on 04.01.2023 at about 9.30 a.m. on the basis of existing enmity the appellants had addressed with caste related words to the informant and had beaten the informant, Ravi Kumar, Pankaj Kumar, Sudha Devi and Mithilesh with kick, fists and wooden stick.

It is submitted that the charge sheet has been filed against the appellants on the basis of fair investigation. Earlier to this instance on the similar date, time and place an F.I.R. was lodged on behalf of the appellants stating that Ravi and Pankaj had beaten the appellants party, Chhotai @ Chhote Lal and the appellants sustained injuries. It is submitted that no medical examination was conducted from the side of the informant.

After arguing at some length, learned counsel for the appellants submitted that the appellants may be given liberty to appear/apply regular bail before the trial court.

In view of the above, the instant appeal is **disposed of** with the

direction to the trial court that if the appellants appear before the trial court within one month from today and moves such application before the trial court, the same shall be considered and decided as soon as possible in view of the law laid down in **Satender Kumar Antil Vs. Central Bureau of Investigation and another, (2021) 10 SCC 773** and **Brahm Singh and others Vs. State of U.P. and others, 2016 (95) ACC 950**.

Order Date :- 1.11.2023

Atul