

Court No. - 85

Case :- CRIMINAL APPEAL No. - 8375 of 2023

Appellant :- Shamim Ahmad

Respondent :- State of U.P. and Another

Counsel for Appellant :- Rupendra Kumar Mishra

Counsel for Respondent :- G.A., Jitendra Singh, Mohak Anand

Hon'ble Mayank Kumar Jain, J.

Counter affidavit filed by learned A.G.A. is taken on record.

Heard counsel for the appellant, Sri Jitendra Singh, learned counsel for the informant as well as learned A.G.A. and perused the record.

The present criminal has been preferred against the summoning order dated 31.10.2020 passed by Special Judge, SC/ST (P.A.) Act, Moradabad as well as entire proceeding of Special Session Trial No. 1318 of 2020 (State vs. Shamim Ahmad) arising out of case crime No. 383 of 2020, under Sections 504, 506 I.P.C. and 3 (2) (Va) of SC/ST Act, PS Kundarki, District Moradabad.

It is submitted that appellant has not committed any offence as mentioned in the F.I.R. but for grabbing the land in question which is recorded in revenue record as cremation land, the present proceedings has been initiated. No date, time and place is mentioned in the F.I.R. where the appellant has abused with caste related words to the informant. Appellant has no concern with the disputed land. The appellant was Gram Pradhan at the time of incident. The charge sheet has been submitted against the appellant on the basis of unfair investigation while during investigation report was submitted by S.D.M., Bilari, Moradabad against the allegations of F.I.R.

Per contra, learned A.G.A. assisted by learned counsel for the informant submitted that after fair investigation charge sheet has been submitted against the appellant. Appellant had addressed the informant with caste related words and had demolished the tomb of ancestors of informant.

After having heard the learned counsel for the parties and perused

the record, I do not find any illegality in the impugned order dated 31.10.2020 and the appeal is liable to be dismissed.

Accordingly, the criminal appeal is **dismissed**.

Order Date :- 2.11.2023

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