

Court No. - 83

Case :- CRIMINAL APPEAL No. - 8358 of 2023

Appellant :- Nizam Ghosi

Respondent :- State of U.P. and Another

Counsel for Appellant :- Vinod Kumar Yadav

Counsel for Respondent :- G.A., Sanjay Srivastava

Hon'ble Sanjay Kumar Pachori, J.

Heard Sri Vinod Kumar Yadav, learned counsel for the appellant and learned A.G.A. and perused the materials on record.

The present criminal appeal has been preferred under Section 14-A(1) of S.C./S.T. (Prevention of Atrocities) Act, 1989, to set aside the summoning order dated 02.08.2021 passed by Special Judge S.C./S.T Act, Kanpur Nagar, in Special Case No. 956 of 2021, under Sections 427, 506 of I.P.C and 3(1)(g) of S.C./S.T Act, pending in the court of Special Judge S.C./S.T Act, Kanpur Nagar.

Learned counsel for the appellant has drawn the attention of the court and submits that without considering the evidence on record, Special Judge S.C./S.T Act, Kanpur Nagar, has passed summoning order dated 02.08.2021 summoning the appellant in an arbitrary manner without applying judicial mind on printed proforma by filing up the names of the appellant, hence, the impugned charge-sheet, cognizance order and further proceedings pursuant thereto is an abuse of process of court.

In view of above, the present Criminal Appeal is disposed of finally.

The impugned order dated 02.08.2021 passed by Special Judge S.C./S.T Act, Kanpur Nagar, is hereby set aside and the matter is remitted to the Special Judge S.C./S.T Act, Kanpur Nagar, to pass a fresh order in accordance with law after applying judicial mind within two weeks from the date of production of certified copy of this order.

Order Date :- 24.11.2023

Saurabh