

Court No. - 85

Case :- CRIMINAL APPEAL No. - 8731 of 2023

Appellant :- Banarasi Kesari And 3 Others

Respondent :- State of U.P. and Another

Counsel for Appellant :- Bhurigram Ji, Anil Kumar
Kannoja, Ashish Kumar Pandey

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 and perused the record.

The present criminal appeal has been filed for quashing the impugned summoning order dated 05.04.2023 passed by Special Judge (SC/ST Act), Mirzapur, under sections 323, 504, 427, 506 of IPC and Section 3 (1)(r), 3(1)(s) of SC/ST Act arising out of Complaint Case No.29/2023, P.S. Adalahat, District Mirzapur by which appellants were summoned to face trial.

The contention of the learned counsel for the appellants is that a civil suit having Original Suit No.54/2009 pending consideration before the Court of Civil Judge (Junior Division) Chunar in which the appellant has also initiated the contempt proceedings against the opposite party no.2. It is submitted that as a counterblast a fake complaint has been lodged against the appellant and appellant has been summoned to face trial. It is submitted that no offence against the appellants is disclosed and the present prosecution has been instituted with a malafide intention for the purposes of harassment. He pointed out certain documents and statement in support of his contention.

Per-contra, learned AGA opposed the prayer and argued that the evidence under Section 200 Cr.P.C. of the informant-Rajesh Kumar and statements of witnesses under Section 202 Cr.P.C. Kashiram and Lalmani were recorded in which they corroborated the version of the complaint that appellants have addressed the informant with caste related words and also destroyed his crop. It is further submitted that the summoning order has been passed after considering the evidence available on record, therefore, the present criminal appeal deserves to be dismissed.

Considering the facts and circumstances of the case and after going through the available record, the prayer for quashing of the entire proceedings of aforesaid case crime and summoning order dated 05.04.2023, is refused.

Accordingly, the criminal appeal is dismissed.

Order Date :- 2.11.2023

Mohit