

Court No. - 29

Case :- CRIMINAL APPEAL No. - 886 of 2024

Appellant :- Malti Devi

Respondent :- State Of U.P. Thru. Prin. Secy. Deptt. Home Lko. And 4 Others

Counsel for Appellant :- Panna Lal Gupta, Haider Mehdi

Counsel for Respondent :- G.A.

Hon'ble Ajay Bhanot, J.

Heard Subrat Gupta, learned counsel holding brief of Sri Panna Lal Gupta, learned counsel for the appellant and learned AGA for the State.

This criminal appeal under Section 14-A (2) Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act has been preferred by the appellant with the prayer to set aside the rejection order dated 08.02.2024 passed by the learned Special Judge SC/ST Act/Additional Sessions Judge, Balrampur, in Case Crime No. 07 of 2024 (Malti Devi Vs Mahboob and others) whereby application under Section 156(3) Cr.P.C. has been rejected.

The learned trial court upon consideration of the pleadings and relevant materials in the record has rejected the application under Section 156 (3) Cr.P.C. The trial court while passing directions under Section 156 (3) Cr.P.C. is not mere a post office, it has to independently apply its mind to the facts and circumstances of the case.

The trial court has found that the dispute arose after the accused persons declined to refund the applicant's

money. The applicant had purchased a saree from the shop of the accused person. She wanted to return the saree and get the refund of her money. The same was declined by applicants. According to the victim she was raped thereafter.

The trial court has found material inconsistencies in the case of the applicant under Section 156(3) Cr.P.C. In this wake the trial court has found the allegations are baseless and the complainant lacking credibility. There is no medical evidence of rape. There are no witnesses to the incident even though it occurred at the shop of the applicant. The importance of the trial court to apply its mind to such complaint is to prevent misuse of the provisions of law.

No perversity can be found in the impugned order dated 08.02.2024 passed by the Special Judge SC/ST (Prevention of Atrocities) Act/Additional Sessions Judge, Balrampur in Criminal Misc. Case No. 07 of 2024 (Malti Devi Vs Mahboob and others). From the findings of the trial court and perusal of the record it appears that the criminal case was filed only to leverage it in a transactional dispute between the parties.

The appeal is dismissed.

Order Date :- 15.3.2024

Pravin