



2025:JHC-1 K0:29722

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL APPEAL No. - 4052 of 2025

Shankar Shakya @ Shankar

.....Appellant(s)

Versus

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

.....Respondent(s)

Counsel for Appellant(s)	:	Amit Kumar Awasthi
Counsel for Respondent(s)	:	G.A.

Court No. - 27

HON'BLE RAM MANOHAR NARAYAN MISHRA, J.

Instant criminal appeal under section 14 A (1) SC/ST Act has been preferred against the order dated 27.10.2025, passed by learned Special Judge, SC/ST Act, Lakhimpur Kheri in case crime no.675/2025, under Sections 333, 191 (2), 191 (3), 109, 352, 351 (2) BNS & 3 (1) (Da), 3 (1) (Dha), 3 (2) (Va) SC/ST Act, police station Padua, District Lakhimpur Kheri whereby the learned trial court has rejected the remand of accused under relevant sections of SC/ST Act.

Heard learned counsel for the appellant, learned A.G.A. and perused the record.

Learned counsel for the appellant submits that in present case the informant Dileep Kumar Shukla lodged an FIR against seven named and some unknown accused persons with allegations that on 10.10.2025 at around 10:15 PM he was present at his house. One Shankar Shakya, member of Scheduled caste was also present in his house.

Suddenly, accused person driven by old enmity barged inside his house and badly assaulted him and his wife Suman Shukla, family member Usha and son Akesh Shukla in which the informant and his family members suffered serious injuries. The accused also abused Shankar Shakya by caste indicative words and threatened the informant and witnesses with life.

The FIR was lodged inter alia under sections 333, 191 (2), 191 (3), 109, 352, 351 (2), 3 (1) (da), 3 (1) (dha) and 3 (2) (Va) SC/ ST (Prevention of Atrocities) Act.

When the police produced the accused persons Rinkoo Jaiswal, Shambhu Jaiswal and Prithvipal Jaiswal for remand request on the basis of new evidence under penal sections of SC/ ST Act, the said remand was refused on the ground that as the incident occurred in the house of the informant, the present sections of SC/ ST Act are not made out.

He next submitted that the learned trial court has lost sight of the fact that incident had not occurred in the house of Shankar Shakya, member of the Scheduled Caste but it has occurred in the house of the informant who is a member of forward class and the informant and family members became

witness of the insult and assault made by the accused persons against the said member of the scheduled caste. The informant has suffered serious injuries on his person in the incident for which section 109 BNS has been introduced in the FIR.

Learned counsel for the appellant has prayed for deciding the appeal finally at this stage to avoid unnecessary delay in investigation proceedings.

In view of the above, matter is remanded to learned trial court to consider the question of applicability of penal sections under SC/ST (Prevention of Atrocities) Act, 1989 for which remand was refused by impugned order.

The impugned order is set aside in the light of the material on record and Investigating Officer is directed to appear before the Special Sessions Judge (SC/ST Act), Lakhimpur Kheri within a week on submission of certified copy of this order with remand request for penal sections under section SC/ST Act.

Learned trial court will consider afresh the question of remand in said penal section under SC/ST Act in accordance with law. The complainant will also have an opportunity of hearing at the time of hearing of remand request along with public prosecutor.

Appeal stands ***disposed of*** with above directions.

Complainant and accused side both will be heard as far as possible at the time of hearing of remand request in the said penal sections.

December 16, 2025

mks

(Ram Manohar Narayan Mishra,J.)