HIGH COURT OF UTTARAKHAND AT NAINITAL

Criminal Revision No. 848 of 2026

Sarojbala .....Revisionist

Versus

State of Uttarakhand and Another .....Respondents

Present:-
Mr. Nalin Saun, Advocate for the revisionist.

Hon'ble Ravindra Maithani, J. (Oral)

The challenge in this revision is made to the order dated 14.09.2026, passed in Special Sessions Trial No.03 of 2026, State v. Smt. Sarojbala, by the court of Special Judge SC/ST (Prevention of Atrocities) Act/V Additional Sessions Judge, Dehradun ("the case"). By it, an application filed by the revisionist for discharge has been rejected.

2. Heard learned counsel for the revisionist and perused the record.

3. The case is based on a charge sheet submitted against the revisionist under Sections 3(1)(r), 3(1)(s) Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, and Sections 308(2), 351(2), 352 of the Bhartiya Nyaya Sanhita, 2023, and Section 67 of the Information Technology Act, 2000, which is based on an FIR lodged by the respondent no.2/the informant. According to the FIR, the revisionist has been abusing the informant with caste coloured remarks. She had sent messages to the husband of the informant, who ignored her. Thereafter, the revisionist did harass the informant. FIR is quite in detail.

4. In the case, application for discharge was filed by the revisionist on the ground that the informant does not belong to Scheduled Tribes category. The application also refers to some communication made to the Central Government.

5. According to the discharge application, since the informant does not belong to the Scheduled Tribes category, the court has no jurisdiction to try the case. Hence, the revisionist may be discharged. This application has been rejected by the impugned order. Aggrieved by it, the instant revisionist has been preferred.

6. Learned counsel for the revisionist submits that in the FIR, there is no averment that in public view any act was done to the informant; it is admitted that the revisionist was in relationship with the husband of the informant, who is a police officer; emotionally, information was retrieved from the revisionist by the husband of the informant, and subsequently, he uploaded them on social media, and he gave all the information to the informant, and the FIR was lodged.

7. Learned State Counsel submits that the informant belongs to the Scheduled Tribes category; she has a certificate issued by the competent authority.

8. Insofar as the status of the informant as a member of Scheduled Tribes is concerned, the impugned order, in Para No.5, records that the informant is a member of the Scheduled Tribes community; she has been issued a certificate by the competent authority.

9. At the stage of framing of charge, a criminal court has only to look into the *prima facie* case. Therefore, the objections that were taken in discharge application by the revisionist has definitely no merits.

10. In addition to the objections that were taken in the trial court, learned counsel for the revisionist has also raised an issue that whatever messages, etc. were given by the revisionist, they were not in the public domain.

11. For the first time, this issue has been raised before this Court. Bare perusal of the FIR reveals that the revisionist posted multiple messages, which were indecent and threatening to the informant on the social media platform. Is not it public domain? This and many more questions would find deliberation during trial. Since this ground was not taken in the court below while seeking discharge, at this stage deeper scrutiny of it may not be done.

12. Having considered, this Court is of the view that the court below has rightly rejected the discharge application that has been filed by the revisionist. There is no merit in this revision. Accordingly, it deserves to be dismissed at the stage of admission itself.

13. The revision is dismissed *in limine*.

(Ravindra Maithani, J)
26.11.2026

Ravi Bisht