HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 792 of 2026

Aman And Another

.....Appellant(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Appellant(s)	:	Ghazala Bano Quadri, Maseeh Uddin
Counsel for Respondent(s)	:	Akhilendra Kumar Yadav, G.A., Gyanedra Pratap Singh, Manish Prajapati

Court No. - 91

HON'BLE SANTOSH RAI, J.

1. Heard Ms. Ghazala Bano Quadri, learned counsel for the appellants, Shri Manish Prajapati, learned counsel for O.P. No.3 and learned AGA for the State.

2. The present criminal appeal has been filed by the appellants with a prayer to quash the chargesheet dated 01.11.2017 and set aside the cognizance order dated 23.01.2018 passed by Special Judge, SC/ST Act, Allahabad in Session Trial No.29 of 2018 (State of U.P. vs. Aman and another) arising out of Case Crime No.513 of 2017 under Sections 323, 504 and 506 IPC and Section 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, P.S.- Phoolpur, District-Allahabad.

3. In the FIR, two accused persons, namely Aman and Chhotu @ Abid, have been named, with the allegation that they caused injuries to the complainant/victim and used caste-based abusive words against him.

4. Learned counsel for the appellants submits that the allegations levelled against them are false and baseless. The FIR and the statements recorded during investigation contain material contradictions, particularly regarding the alleged assault and use of caste-related abusive words. It is

further submitted that the medical report discloses only two simple injuries, while the alleged independent witness did not support the prosecution version. The appellants contend that no offence under the SC/ST Act is made out, that the charge-sheet and summoning order were passed without proper appreciation of the material on record, and that they came to know of the proceedings only in December 2025. Accordingly, it is prayed that the impugned proceedings be quashed and appropriate interim relief be granted.

5. Learned AGA and learned counsel for opposite party no.3 oppose the appeal and submit that the FIR specifically alleges assault by the appellants and the use of caste-related derogatory words against the complainant. It is contended that the medical examination corroborates the allegation of physical assault and that the charge-sheet was submitted after investigation. The appellants' pleas regarding contradictions in the statements and the absence of an offence under the SC/ST Act involve disputed questions of fact, which cannot be adjudicated at this stage. Accordingly, the appeal is liable to be dismissed.

6. In the statement of the injured/complainant recorded under Section 161 CrPC, the victim reiterated the allegations made in the FIR regarding the injuries caused by the accused persons. As per the injury report, two contusions were found on the victim’s body. However, no bony injury was detected in the X-ray examination. Neither the FIR nor the statement of the injured specifies any particular caste-based derogatory words allegedly used by the accused persons, so as to establish an intention to insult or humiliate the victim on account of his belonging to a Scheduled Caste or Scheduled Tribe.

7. So far as the offence under Section 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 is concerned, on a careful consideration of the material placed on record, this Court finds that the essential foundational ingredients of the said provision are not prima facie established. Section 3(2)(va) is attracted where a person, not being a member of a Scheduled Caste or Scheduled Tribe, commits an offence specified in the Schedule to the Act against a person or property belonging to a member of a Scheduled Caste or

Scheduled Tribe, while knowing such status. Thus, the mere fact that the alleged victim belongs to a Scheduled Caste or Scheduled Tribe does not, by itself, attract Section 3(2)(va). There must be prima facie material connecting the alleged substantive offence with the requirements of the said provision, including the commission of an offence specified in the Schedule and the requisite knowledge contemplated by the statute. In the present case, a perusal of the FIR reveals that the victim resides at Mohalla Shuklana, Kasba Phulpur, District Allahabad, whereas the accused persons reside at Pure Achchai, Phulpur, District Prayagraj. The residential addresses of the parties are thus distinct, and no reliable material is available on record, at this stage, to prima facie establish that the accused persons had knowledge of the victim's caste identity. The material relied upon by the prosecution, even if taken at its face value, does not disclose such foundational facts.

8. The learned trial court in the present case has taken cognizance under Sections 323, 504 and 506 IPC and Section 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act. However, a perusal of the Schedule appended to Section 3(2)(va), as inserted by Act 1 of 2016, shows that Section 504 IPC is not included amongst the scheduled offences. Consequently, insofar as the offence corresponding to Section 504 IPC is concerned. the statutory requirement for attracting Section 3(2)(va) is not prima facie satisfied on that count as well.

9. Thus, there is no prima facie material demonstrating that the alleged offence falls within the Scheduled offence contemplated by Section 3(2)(va), nor is there sufficient material at this stage to establish the requisite knowledge on the part of the appellants regarding the Scheduled Caste/Scheduled Tribe status of the alleged victim/injured in the manner contemplated by the provision. The statutory presumption under Section 8(c) cannot be invoked in the absence of the foundational factual circumstances necessary for its application.

10. For the reasons recorded hereinabove, this Court is of the considered opinion that the essential ingredients constituting the offence under Section 3(2)(va) of the SC/ST Act are conspicuously absent from the

material collected during investigation, and the continuance of proceedings for the said offences would amount to an abuse of the process of law. Consequently, the appeal under Section 14-A of the SC/ST Act succeeds in part.

11. Consequently, the chargesheet dated 01.11.2017 and the cognizance order dated 23.01.2018 passed by Special Judge, SC/ST Act, Allahabad in Session Trial No.29 of 2018 (State of U.P. vs. Aman and another) arising out of Case Crime No.513 of 2017 under Sections 323, 504 and 506 IPC and Section 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, P.S.- Phoolpur, District- Allahabad, is modified to the extent that the appellants stand discharged of the offences punishable under Sections 3(2)(va) of the SC/ST Act.

12. However, sufficient material is available on record to proceed against the appellants under the provisions of IPC. Accordingly, the proceedings against the appellants under the provisions of Sections 323, 504 and 506 IPC shall continue and be concluded expeditiously in accordance with law. The trial court shall proceed uninfluenced by any observation made herein on the merits of the case.

13. With the above observation, the appeal is **partly allowed.**

14. If the appellants are not enlarged on bail, they are directed to appear before the court concerned and move bail application, within two weeks from today. It is made clear that no application seeking extension of the aforesaid period shall be entertained by this court.

15. In case, the appellants move bail application before the court concerned, the same shall be considered and decided by the trial court expeditiously and preferably on the same day, in light of principles laid down by the Supreme Court as well as this Court regarding surrender and bail.

16. In case, the appellants fail to appear before the court concerned within the stipulated period, the trial court will be at liberty to adopt appropriate coercive proceedings, in accordance with law, for securing the presence of the appellants.

17. Registrar (Compliance) is directed to serve a copy of this order by FAX/e-mail to the court concerned through District & Sessions Judge, Allahabad within 48 hours.

(Santosh Rai,J.)

October 23, 2026
Ankit.

Digitally signed by :-
ANKIT VISHWAKARMA
High Court of Judicature at Allahabad