**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**CRIMINAL APPEAL No. - 3394 of 2026**

Shiv Shankar Gupta

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

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| Counsel for Appellant(s) | : | Saurabh Kumar |
| Counsel for Respondent(s) | : | G.A., Ram Autar Bind |

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**Court No. - 91**

**HON'BLE SANTOSH RAI, J.**

1. None appeared on behalf of O.P. No.2.

2. Heard Shri Saurabh Kumar, learned counsel for the appellant and learned AGA for the State.

3. The present appeal has been filed by the appellant to set aside the cognizance/summoning order dated 17.01.2026 passed by In-charge Special Judge, SC/ST Act, Sonbhadra in Sessions Case No.62 of 2026 arising out of Case Crime No.175 of 2026 under Sections 115(2), 352 and 351(2) BNS and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST (Prevention of Atrocities) Act, P.S.- Shaktinagar, District- Sonbhadra.

4. The FIR was lodged by the complainant, Lal Chandra Bharati, against two accused persons, namely Shiv Shankar Gupta, the appellant herein, and Radheshyam Gupta. The allegation against the appellant is that when the complainant and his brother reached the consumer service point to withdraw money, the appellant abused them, used caste-based derogatory language and caused injuries to the complainant and his brother.

5. Learned counsel for the appellant submits that he has been falsely implicated due to a dispute over the withdrawal of money. The FIR was lodged belatedly, material contradictions exist in the witnesses' statements, and the CCTV footage and alleged eyewitnesses were not properly considered during investigation. It is argued that no prima facie offence is made out against the appellant and, therefore, the impugned summoning order is liable to be set aside.

6. Learned A.G.A. submits that the FIR and material collected during investigation disclose a prima facie case against the appellant. The charge-sheet was submitted after investigation, and the pleas raised by the appellant involve disputed questions of fact that cannot be adjudicated at this stage. Hence, the appeal is liable to be dismissed.

7. In the FIR and in the statement of the injured persons, it is stated that the accused-appellant has caused injury to the injured persons and also used caste based abusive language against them. Furthermore, the testimony of the injured finds corroboration from the medical evidence and the statement of the doctor available on record.

8. At the stage of summoning, the court is only required to ascertain whether a prima facie case is made out from the material available on record. It is well settled that the court is not expected to undertake a meticulous appreciation of the evidence or conduct a mini trial at this stage. In view of the material available on record, a prima facie case is clearly disclosed against the appellant. The appeal, being devoid of merit, is liable to be dismissed.

9. For the reasons recorded above, this Court finds that the learned trial court has rightly summoned the appellant under Sections 115(2), 352 and 351(2) BNS and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST (Prevention of Atrocities) Act. The impugned order is well reasoned and does not suffer from any illegality or infirmity warranting interference in appellate jurisdiction.

10. The instant appeal, being devoid of merit, stands **dismissed**.

11. If the appellant is not enlarged on bail, he is directed to appear before the court concerned and move regular 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.

12. In case, the appellant moves regular 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.

13. In case, the appellant fails 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 appellant.

14. Registrar (Compliance) is directed to communicate the instant order to the court concerned through District and Sessions Judge, Sonbhadra by e-mail/FAX within 48 hours.

**(Santosh Rai,J.)**

**October 29, 2026**
Ankit.

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