2026:AHC:209791

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 4501 of 2026

Sunil Kumar Gupta And 2 Others

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s)	:	Rajnish Kumar Srivastava, Siddharth Srivastava
Counsel for Respondent(s)	:	G.A., Vivek Kumar Tiwari

Court No. - 91

HON'BLE SANTOSH RAI, J.

1. Rejoinder affidavit filed today in court by learned counsel for the appellants is taken on record.

2. Heard Shri Siddharth Srivastava, learned counsel for the appellants, Shri Vivek Kumar Tiwari, learned counsel for O.P. No.2 and learned AGA for the State.

3. The present appeal has been filed by the appellants to set aside the summoning order dated 21.11.2024 passed by Special Judge, SC/ST Act, Jaunpur in Complaint Case No.318 of 2021 arising out of SST No.350 of 2024 under Sections 323 and 504 IPC and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST (Prevention of Atrocities) Act, P.S.- Sikrara, District-Jaunpur.

4. An application under Section 156(3) Cr.P.C. was moved by the complainant, Ashish Kumar, against the accused persons, namely, Akhilesh Kumar, Madhuri Devi, Rakesh Saroj, Sunil Kumar Gupta, Amit Kumar Gupta and Abhishek Kumar Gupta. The said application was treated as a complaint, and thereafter, during the course of the inquiry proceedings, the statements of the complainant and the witnesses were recorded under Sections 200 and 202 Cr.P.C. In the complaint/application, the allegation against the accused persons is that they caused injuries to the complainant and also used casteist slurs against him.

5. Learned counsel for the appellants submits that the appellants have been falsely implicated due to the pre-existing monetary dispute between the complainant Ashish Kumar and Madhuri Devi, coupled with the political rivalry arising out of the Panchayat election. It is submitted that the appellants had no role in the alleged incident and have merely been implicated at the instance of Satish Kumar Yadav. The independent witness Manoj Kumar has also stated that the appellants were not present at the place of occurrence. It is further submitted that there is considerable delay in lodging the complaint and that the appellants have no criminal history. The medical and other material on record do not substantiate the allegations against them. Accordingly, it is argued that the summoning order dated 21.11.2024 has been passed without proper appreciation of the material on record and is liable to be set aside.

6. Learned AGA and learned counsel for the opposite party no.2, on the other hand, submit that the allegations made in the complaint, supported by the statements recorded under Sections 200 and 202 Cr.P.C. and the medical evidence, disclose the commission of the alleged offences. It is submitted that at the stage of summoning, the court is only required to examine whether a prima facie case is made out and a detailed appreciation of evidence or consideration of the defence of the accused is not warranted. The plea of false implication on account of monetary or electoral rivalry and the alleged alibi of the appellants are matters of defence, which cannot be adjudicated at this stage. It is, therefore, submitted that the summoning order calls for no interference.

7. Admittedly, perusal of the medical report, which is available on record, it appears that six injuries were found on the body of the injured. The medical examination was conducted six days after the alleged incident. During the course of the inquiry proceedings, the statements recorded by the learned trial court under Sections 200 and 202 Cr.P.C. disclose specific and distinct roles attributed to the accused-appellants, namely, Sunil Kumar Gupta, Amit Kumar Gupta and Abhishek Kumar Gupta, with regard to using casteist slurs against the complainant as well as causing injuries to him. Learned counsel for the appellants has drawn the attention of the Court to an affidavit filed by Manoj Kumar before this Court. However, the said affidavit has no legal relevance at this stage

insofar as the involvement of the accused-appellants is concerned. The alleged village party-bandhi or election rivalry may constitute a motive for the occurrence, but motive is not an essential ingredient of the offences alleged and, therefore, the absence or presence of such motive is not determinative at the stage of summoning.

8. Considering the facts and circumstances of the case, the material available on record, the averments contained in the complaint, the statements of the complainant and the witnesses recorded under Sections 200 and 202 Cr.P.C., and the medical report corroborating the allegation regarding the injuries sustained by the complainant, this Court finds that there is sufficient material on record to prima facie disclose the involvement of the accused-appellants. Accordingly, the learned trial court has rightly summoned the accused-appellants. 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 appellants. 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 accused-appellants under Sections 323 and 504 IPC 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. Registrar (Compliance) is directed to communicate the instant order to the court concerned through District and Sessions Judge, Jaunpur by e-mail/FAX within 48 hours.

(Santosh Rai,J.)

October 7, 2026
Ankit.

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