2026:AHC:208375

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 5113 of 2026

Sanjay Yadav

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s)	:	Mahendra Pratap Yadav
Counsel for Respondent(s)	:	G.A., Jitendra Singh Yadav

Court No. - 91

HON'BLE SANTOSH RAI, J.

1. Heard Shri Mahendra Pratap Yadav, learned counsel for the appellant, Shri Jitendra Singh Yadav, learned counsel for O.P. No.2 and learned AGA for the State.

2. The present appeal has been filed by the appellant to set aside/quash the cognizance order dated 24.03.2026 passed by Special Judge, SC/ST Act, Sant Kabir Nagar in Session Case No.157 of 2026 arising out of Case Crime No.459 of 2025 under Sections 126(2), 115(2), 352 and 351(3) BNS and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST (Prevention of Atrocities) Act, P.S.- Mahuli, District- Sant Kabir Nagar.

3. Learned counsel for the appellant submits that the appellant has been falsely implicated in the present case and that the FIR lodged by opposite party no.2 is a counterblast to the complaint dated 05.11.2025 filed by the appellant against the complainant and five other persons in respect of the earlier incident being Complaint Case No.7808 of 2025. It is contended that the alleged incident is said to have occurred on 02.11.2025, whereas the application under Section 173(4) BNSS was moved only on 20.11.2025 and the FIR was registered on 09.12.2025, after an unexplained delay. It is further submitted that the medical examination of

opposite party no. 2 was conducted on 13.12.2025, i.e. after about one month of the alleged incident, and the medical report disclosed only a complaint of pain. Learned counsel further submits that the statements of the witnesses relied upon by the prosecution do not furnish sufficient material to establish the alleged offences against the appellant and that the proceedings have been maliciously initiated with an ulterior motive. It is thus argued that the impugned summoning/cognizance order dated 24.03.2026, as well as the consequential proceedings arising out of the charge-sheet dated 18.01.2026, are illegal, arbitrary and have been passed in a cursory manner. On these grounds, it is submitted that continuation of the criminal proceedings would amount to an abuse of the process of law and the same are liable to be quashed.

4. Per contra, learned A.G.A. as well as learned counsel for opposite party no. 2 submit that the appellant is named in the FIR and specific allegations have been levelled against him regarding assault and use of caste-related abusive language against opposite party no. 2. Learned counsel appearing for opposite party no. 2 further submits that the FIR was registered on the basis of an application filed under Section 173(4) of the BNSS and, therefore, the delay in registration of the FIR has been caused for the said reason. He further submits that so far as the specific role and involvement of the accused appellant and the other accused persons are concerned, a clear and specific role has been assigned to them in the FIR as well as in the statement of the injured. In the medical report, the injuries have been noted as complaints of pain in the wrist joint, lower back and right leg. It is further submitted that the learned court below, upon consideration of the material collected during investigation, took cognizance of the offences on 24.03.2026 and there is sufficient prima facie material to proceed against the appellant. The alleged delay in lodging the FIR and the evidentiary value of the statements of the witnesses are matters which can be properly examined during trial and cannot, at this stage, be made the basis for quashing the proceedings. It is, therefore, submitted that no ground for interference is made out and the appeal deserves to be dismissed.

5. The FIR was registered against Sanjay (appellant herein), Ashok, Aman and three to four unknown persons. From a perusal of the FIR, the

statement of the injured, the statements of the independent witnesses available in the case diary, and the medical injury report available on record, it appears that, at this stage, there is material indicating the involvement of the accused appellant in the commission of the alleged offence. It further appears from the material available on record that caste-based slurs were also used against the victim within public view.

6. 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.

7. For the reasons recorded above, this Court finds that the learned trial court has rightly summoned the accused-appellant under Sections 126(2), 115(2), 352 and 351(3) 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.

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

9. In case the appellant is not enlarged on bail, he is 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.

10. In case, the appellant moves 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.

11. 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 including non-bailable warrant, in accordance with

law, for securing the presence of the appellant.

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

(Santosh Rai,J.)

October 6, 2026
Ankit.

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