Court No. - 83

Case :- CRIMINAL APPEAL No. - 5968 of 2025

Appellant :- Rajeev Singh And 5 Others
Respondent :- State of U.P. and Another
Counsel for Appellant :- Jitendra Singh
Counsel for Respondent :- G.A.,Janardan Yadav

Hon'ble Shekhar Kumar Yadav,J.

1. Heard Mr. Jitendra Singh, learned counsel for the appellant and learned A.G.A for the State, Mr. Janardan Yadav, learned counsel for the informant as also perused the record.

2. The present criminal appeal under Section 14-A(2) Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act has been preferred to set aside the summoning order dated 11.06.2025 passed by learned Special Judge (SC/ST Act), Azamgarh on disposal of application 33kha under Section 319 cr.p.c. in Session Case No.257 of 2022 (State of U.P. vs. Sanjay Singh and others) arising out of Case Crime No.204 of 2022, under Sections 323/34, 324, 504, 506, 307/34, 336, 427 IPC and 3(1) da, 3(1) dha, 3(2) 5, 3(2) 5ka SC/ST Act, Police station Kaptanganj, Disrict Azamgarh.

3. As per prosecution story, on 08.07.2022 all the accused persons, namely, Rajeev Singh, Sanjay Singh, Santosh Singh, Gyanendra Pratap Singh, Saurabh Pratap Singh, Gaurav Singh, Akash Singh, Aman Singh, Rishi Singhand Vishwa Singh armed with lathi, danda, ballam and bricks assaulted the informant by abusing caste related words, as a result of which, Kishan and Mukesh sustained serious injuries. It is further alleged that accused Rajeev Singh stabbed the ballam in the stomach of Kishan.

4. Submission of learned counsel for the appellants is that the appellants are innocent and have been falsely implicated the appellants. Cognizance and summoning order passed by the learned Special Judge SC/ST Act, is totally illegal, perverse and arbitrary in nature and without adopting proper procedure summoning order was passed. Investigating Officer during investigation found absolutely no evidence against the appellants, hence, in an arbitrary manner submitted charge sheet on 03.10.2022 exonerating the appellants upon which cognizance has been taken on 03.10.2022. Being aggrieved, the opposite party

no.2 moved an application under Section 319 Cr.P.C. for summoning the appellants upon which the learned Special Judge vide order dated 11.06.2025 summoned the appellants in a routine manner. Further submission is that there is no material available on record which shows the complicity of the appellants in spite of that the informant has filed an application under Section 319 Cr.P.C. only to delay and mislead the case. Further submission is that there is no sustainability of the application u/s 319 cr.p.c., hence, the same is liable to be set aside.

5. Per contra, learned A.G.A. as well as learned counsel for the informant opposed the submissions made by learned counsel for the appellants and have submitted that serious allegations were made against the appellants, who armed with deadly weapon have badly assaulted the informant and other injured due to which they sustained grievous injuries. Appellants have committed the present offence having knowledge that the informant belongs to S.C./S.T. Community. There is no infirmity or illegality in the impugned order.

6. I have considered the rival submissions made by the learned counsel for the parties and have gone through the entire record including the impugned order carefully.

7. Having regard to the facts and circumstances of the case and keeping in view the gravity of the offence, evidence, complicity of the accused, specific allegations levelled against the appellants, this Court is of the opinion that there is no illegality or perversity in the impugned summoning order and the appeal deserves to be dismissed.

8. Accordingly, the appeal is **dismissed**.

Order Date :- 11.8.2025

Ajeet

Digitally signed by :-
AJEET KUMAR PATEL
High Court of Judicature at Allahabad