2026:AHC:227011

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 7145 of 2026

Bala Devi And 4 Others

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s)	:	Sanjay Kumar Dwivedi
Counsel for Respondent(s)	:	G.A.

Court No. - 88

HON'BLE ABDUL SHAHID, J.

1. Heard learned counsel for the appellants and Sri Manoj Kumar Singh, learned A.G.A. for the State.

2. The present criminal appeal has been filed against the impugned summoning order dated 24.12.2025 passed in Sessions Trial No. 2383 of 2025, arising out of Case Crime No. 406 of 2025 (*State v. Bala Devi and others*), under Sections 191(2), 131, 115(2), 352, and 351(2) B.N.S. and under Sections 3(1)(da), 3(1)(dha), and 3(2)(va) of the SC/ST Act, against the appellants, Police Station Farah, District Mathura.

3. Learned counsel for the appellants has submitted that neither in the F.I.R. nor in the statement of the complainant is there any mention of Appellant No. 4 (Man Singh, S/o Prem Singh) and Appellant No. 5 (Kallua @ Hoti Lal, S/o Kishan Lal). He has further submitted that, as per the statement of the complainant, the entire incident occurred inside the house; hence, there was no public view. Furthermore, as per the doctor's statement, the injured complainant suffered only two simple injuries.

4. In her statement recorded under Section 180 B.N.S.S., the complainant stated that her neighbours, namely, Devo, Bala, and Mohan entered her house with a common intention, committed an altercation, hurled abuses, grounded her, and severely beaten her with *lathi-dandas*. She stated that upon hearing her screams, several persons arrived at the spot; however, she did not mention the name of any independent witness in her statement recorded under Section 161 Cr.P.C.

5. The hurling of abuses allegedly took place on the date of the incident, i.e., 01.11.2025, and the F.I.R. was lodged against all the appellants. However, in the contents of the F.I.R., the complainant stated that while she was storing water on 01.11.2025 at 10:30 A.M., her neighbours, namely Devo, Bala, and Mohan, came with a common intention into her house and committed the incident. She stated that the offenders are neighbours and powerful people, specifically naming only three persons (Appellant Nos. 1, 2, and 3 in the present case). She did not mention the names of Appellant Nos. 4 and 5 in the initial narrative, though their names were included later. She alleged that all persons severely beaten her, yet she suffered no grievous injury and sustained only two simple injuries.

6. The injuries sustained and the statement of the complainant do not corroborate each other. Moreover, the incident did not occur within public view, and Appellant Nos. 4 and 5 appear to have been added as an afterthought.

7. In view thereof, Appellant No. 4 (Man Singh, S/o Prem Singh) and Appellant No. 5 (Kallua @ Hoti Lal, S/o Kishan Lal) are exonerated from the summoning order dated 24.12.2025. Furthermore, no offence is made out under Sections 3(1)(da), 3(1)(dha), and 3(2)(va) of the SC/ST Act.

8. Accordingly, the impugned summoning order dated 24.12.2025 is modified to the extent that the charges under Sections 3(1)(da), 3(1)(dha), and 3(2)(va) of the SC/ST Act are **set aside**, and the names of Appellant No. 4 (Man Singh) and Appellant No. 5 (Kallua @ Hoti Lal) are deleted therefrom. Now, the sessions case shall proceed only against Appellant No. 1 (Bala Devi), Appellant No. 2 (Mohanlal), and Appellant No. 3 (Devo @ Devendra) under Sections 191(2), 131, 115(2), 352, and 351(2) B.N.S.

9. With these modifications in the impugned summoning order dated 24.12.2025, the criminal appeal is **partly allowed and disposed of accordingly**.

November 2, 2026
K.K. Maurya

(Abdul Shahid,J.)

Digitally signed by :-
KAMLESH KUMAR MAURYA
High Court of Judicature at Allahabad