HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 7102 of 2026

Ashish Yadav And Another

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s)	:	Amit Kumar Srivastava
Counsel for Respondent(s)	:	G.A.

Court No. - 89

HON'BLE TEJ PRATAP TIWARI, J.

1. Heard learned counsel for the appellants, the learned A.G.A. for the State of U.P. and perused the records.

2. The instant criminal appeal under Section 14A(1) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 by the appellants to stay the effect and operation of the impugned cognizance /summoning order dated 12.02.2026 passed by learned Special Judge (S.C./S.T. Act, Bareilly in Special Case No. 257 of 2025 (State vs. Ajay Arya and others, arising out of Case Crime No. 306 of 2025, under Sections 115(2), 352, 351(2), 191(2), 324(4) B.N.S. and Section 3(1)(da), 3(1)(dha) and 3(2)(va) S.C./S.T. Act, Police Station Premnagar, District Bareilly as well as entire proceedings of the aforesaid case. .

3. Learned counsel for the appellants submits that appellants are innocent and have been falsely implicated in the present case. The allegation alleged in the F.I.R. is false, baseless and not supported by any evidence. The I.O. without collecting material evidence, in very hasty manner, submitted charge sheet under the aforesaid sections and the learned Magistrate without applying judicial mind took cognizance and issued summons against the appellants.

4. Per contra, learned A.G.A. vehemently opposed the submission raised by the counsel for the appellants and submitted that the submissions raised by the counsel for the appellants is disputed question of facts which cannot be considered, at this stage. On perusal of F.I.R. and other material evidence collected by the I.O., *prima facie*, offence is made out against

the appellants.

5. Considering the argument raised by counsel for the appellants and perused the records, the instant appeal is **disposed of** with direction that if the appellants move discharge application through counsel within a period of three weeks from today, it is expected that the court concerned will consider and decide the same expeditiously within a period of four weeks, in accordance with law.

6. Till then no coercive action shall be taken against the appellants in the aforesaid case.

(Tej Pratap Tiwari,J.)

October 8, 2026
Manoj

Digitally signed by :-
MANOJ KUMAR YADAV
High Court of Judicature at Allahabad