2026:AHC:208558

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 7251 of 2026

Pankaj

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s)	:	Ram Krishna Mishra
Counsel for Respondent(s)	:	G.A.

Court No. - 91

HON'BLE SANTOSH RAI, J.

1. Rejoinder affidavit filed by learned counsel for the appellant is taken on record.

2. Despite service of notice upon Opposite Party No. 2, no one appears on his behalf.

3. Heard learned counsel for the appellant and learned A.G.A. for the State and perused the record.

4. The present appeal has been filed under Section 14A(1) of S.C. & S.T. Act by the appellant to set aside the cognizance and summoning order dated 20.04.2026 passed by Special Judge, S.C. & S.T. (P.A.) Act, Bulandshahar in Sessions Case No.1480 of 2026, (State vs. Pankaj) Case Crime No.593 of 2025, under Sections 137(2) B.N.S. & 3(2)va S.C. & S.T. Act, P.S. Jahangirabad, District Bulandshahar.

5. Tersely, as per F.I.R. version, on 25.10.2025 at about 11:00 a.m., the informant's daughter having 14 years old, had gone to the market. While she was on her way, accused Pankaj allegedly enticed and took her away to an unknown place.

6. Briefly, the grounds of the appeal are that the impugned cognizance and summoning order dated 20.04.2026 passed by Special Judge, S.C. & S.T. (P.A.) Act, Bulandshahar is wholly illegal and not sustainable in the eyes of law. The impugned order is based on surmises and conjunctures as such same is liable to be quashed.

7. Learned counsel for the appellant submits that the appellant has been

falsely implicated in the present case. The appellant is a neighbour of the opposite party No. 2 and had a cordial relationship with the victim. The FIR was lodged after an unexplained delay of two days. It is further submitted that in the statements of the informant and the victim recorded under Section 180 B.N.S., no allegation or specific role has been attributed to the appellant. The victim, in her statement recorded before the Magistrate, also did not make any allegation against the appellant and refused medical examination. It is argued that after about one and a half months, the informant and other witnesses changed their versions and subsequently levelled allegations against the appellant, pursuant to which Section 3(2)(va) of the SC/ST Act has been added. Despite the absence of any incriminating material in the initial statements, the Investigating Officer submitted charge-sheet against the appellant. Hence, the impugned order is illegal and liable to be set aside.

8. Learned A.G.A. for the State submits that the allegations against the appellant are serious in nature and relate to the taking away of a minor victim. Merely because the victim or informant did not initially attribute a specific role to the appellant cannot by itself exonerate him at the stage of consideration of the criminal proceedings. The subsequent statements of the informant, victim's mother and other witnesses disclosed the involvement of the appellant, on the basis of which the Investigating Officer, after conducting investigation, added Section 3(2)(va) of the SC/ST Act and submitted charge-sheet against the appellant. The competent Magistrate has taken cognizance and summoned the appellant on the basis of the material collected during investigation. Therefore, no ground for interference with the impugned order is made out.

9. The accused-appellant is named in the First Information Report, wherein it has specifically been alleged that he enticed away the informant's minor daughter, aged about 14 years. In her statement recorded under Section 180 B.N.S.S., the victim stated that she had left her house and accompanied the accused-appellant Pankaj to Rajasthan. In her statement recorded under Section 183 B.N.S.S., she stated that on 25.10.2025, without informing any family member, she went to Khatu Shyam Temple, Rajasthan, along with the accused-appellant and returned on 27.10.2025. As per the instructions received from the learned A.G.A., it has been informed that the victim returned and reached the police station on 28.10.2025. Thus, in view of the allegations contained in the FIR and the statements of the victim recorded

under Sections 180 and 183 B.N.S.S., sufficient prima facie material was available against the accused-appellant. The learned trial court has, therefore, rightly taken cognizance and summoned the accused-appellant for the offences under Section 137(2) BNS and Section 3(2)(va) of the SC/ST Act. At the stage of taking cognizance, the Court is not required to meticulously examine the evidence or conduct a mini-trial. The trail court is only required to ascertain whether a prima facie case is made out on the basis of the material available on record.

10. In view of the foregoing discussion, this Court finds that the learned trial court has committed no illegality or perversity in taking cognizance and summoning the accused-appellant for the offences punishable under Section 137(2) of the B.N.S. and Section 3(2)(va) of the S.C./S.T. Act. The material available on record discloses a prima facie case against the accused-appellant, and no ground for interference with the impugned order is made out.

11. Accordingly, the criminal appeal is devoid of merit and is, hereby, **dismissed.** The impugned order passed by the learned trial court is affirmed.

October 6, 2026
Asha

(Santosh Rai,J.)

Digitally signed by :-
ASHA
High Court of Judicature at Allahabad