2026:AHC:208592

# HIGH COURT OF JUDICATURE AT ALLAHABAD

**CRIMINAL APPEAL No. - 7588 of 2026**

Shyam Shukla And 3 Others

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

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Counsel for Appellant(s) : Sucheta Pathak, Sudeep Kumar Pathak
Counsel for Respondent(s) : G.A., Santosh Kumar

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**Court No. - 91**

**HON'BLE SANTOSH RAI, J.**

1. Counter affidavit filed, today in Court, by learned AGA is taken on record.

2. Heard learned counsel for the appellants/applicants, learned counsel for opposite party no.2 and learned AGA for the State.

3. The present criminal appeal has been filed by the appellant with a prayer to set aside the entire proceeding as well as the impugned cognizance/summoning order dated 4.9.2025 passed by Additional Session Judge, Court No.2/Special Judge, SC/ST (PA) Act, Kanpur Dehat in Session Case No.1321 of 2025 (State vs. Shyam Shukla and others), arising out of Case Crime No.93 of 2021, under Sections 323, 504 IPC and Section 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, P.S.- Gajner, District- Kanpur Dehat.

4. Learned counsel for the accused-appellants submits that the present criminal case has been falsely instituted against the appellants and is a counterblast to Sessions Trial No.7 of 2015, arising out of Case Crime No.94 of 2014, under Sections 363, 366, 376, 506 IPC and Section 4 of the POCSO Act, Police Station Gajner, District Kanpur Dehat. It is further submitted that the allegations levelled against the appellants are false and exaggerated and that the material placed on record does not disclose any credible basis for their prosecution. Accordingly, it is urged that the impugned order be set aside.

5. Learned counsel for opposite party no.2, as well as learned AGA, has opposed the submissions advanced on behalf of the accused-appellants and submits that the appellants are specifically named in the FIR and there are clear and specific allegations that they assaulted the informant-victim and also used casteist slurs against him. It is further submitted that the injury report duly corroborates the allegations made in the FIR and the statement of the injured witness also supports the prosecution version. The plea that the present case has been instituted as a counterblast to an earlier criminal case is a matter of defence, which cannot be adjudicated at the stage of cognizance. Accordingly, it is submitted that a prima facie case is made out against the appellants and no interference with the impugned proceedings is warranted.

6. Four accused-appellants, namely, Gopal Shukla, Ram Shukla, Chhotu Shukla and Shyam Shukla, are named in the FIR. It has been alleged therein that the accused-appellants assaulted the informant-victim and also used derogatory caste-related words against him, including the word “Chamar”. Learned AGA, on the basis of the instructions received, submits the injured has sustained three injuries in the present case. Dr. Pushpendra Singh has stated in this statement that the injured Balbir Katheriya has sustained two simple injuries but no injury report has been placed on record by learned counsel for the appellants.

7. Learned counsel for the appellants submits that the present criminal case has been instituted as a counterblast to Sessions Trial No.7 of 2015, arising out of Case Crime No.94 of 2014, under Sections 363, 366, 376, 506 IPC and Section 4 of the POCSO Act, Police Station Gajner, District Kanpur Dehat. However, only three pages of the judgment passed in the said sessions trial have been annexed with the present appeal. Moreover, Sessions Trial No.7 of 2015 relates to an incident which is about 11–12 years old. From the perusal of only three pages of the said judgment, this Court is unable to ascertain that the present criminal case, i.e. Sessions Trial No.1321 of 2025, has in fact been instituted as a counterblast to the aforesaid case. The statement of the injured-victim, Balbir Katheriya, specifically contains allegations that the accused-appellants assaulted him and also used casteist slurs against him. The injury report and the statement of the injured witness prima facie corroborate the allegations

made in the FIR.

8. At the stage of taking cognizance, the Court is required to examine only whether the allegations and material on record disclose a prima facie case against the accused. At this stage, the Court is not required to conduct a meticulous appreciation of evidence or undertake a mini trial.

9. For the reasons recorded above, this Court finds that the learned trial court has rightly summoned the accused-appellants under the aforesaid provisions. The impugned order is well reasoned and does not suffer from any illegality or infirmity warranting interference in appellate jurisdiction.

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

11. Registrar (Compliance) is directed to serve a copy of this order by FAX/e-mail to the court concerned through District & Sessions Judge concerned within 48 hours.

**(Santosh Rai,J.)**

**October 6, 2026**
RA

Digitally signed by :-
RAZIQ ALI
High Court of Judicature at Allahabad