2026:AHC:211157

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 7775 of 2026

Man Singh Lodhi

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s)	:	Manorama Singh, Shobhit Yadav
Counsel for Respondent(s)	:	G.A., Hans Pratap Singh

Court No. - 91

HON'BLE SANTOSH RAI, J.

1. Heard learned counsel for the appellant/applicant, learned counsel for opposite party no.2 and learned AGA for the State.

2. The present criminal appeal has been filed by the appellant with a prayer to set aside the impugned cognizance/summoning order dated 12.5.2026 passed by Additional Session Judge/Special Judge, SC/ST Act, Hamirpur in Session Case No.380 of 2026 (State vs. Man Singh Lodhi & Anr.), arising out of Final Report No.358 of 2025 (Gassi Vs. State of U.P.), under Sections 105, 352, 351(3) B.N.S. and Sections 3(1)(r), 3(1)(s), 3(2)(5) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, P.S.- Rath, District- Hamirpur.

3. Learned counsel for the accused appellant submits that the appellant has been falsely implicated in the present case on account of the alleged financial dispute between the parties. It is argued that there is no direct or cogent evidence against the appellant showing his involvement in the alleged murder of the deceased by drowning. The statement of Manoj Kumar is not sufficient, by itself, to establish the involvement of the appellant, particularly when the circumstances under which the deceased drowned are disputed. It is further submitted that the post-mortem report merely establishes the cause of death as asphyxia due to ante-mortem drowning and does not establish that the death was homicidal or that the appellant was responsible for the same. It is, therefore, contended that no prima facie case is made out against the appellant and the summoning order is liable to be set aside.

4. Learned counsel for opposite party no.2 as well as learned AGA has opposed the appeal and submits that the accused appellant is specifically named in the FIR and a specific role has been attributed to him in the commission of the alleged offence. It is further submitted that the statement of witness Manoj Kumar, who is the son-in-law of the informant, supports the prosecution version and discloses the specific involvement of the accused appellant in causing the death of the deceased. It is also submitted that the post-mortem report corroborates the prosecution case, as the cause of death has been opined to be asphyxia due to ante-mortem drowning. Therefore, considering the material available on record, a prima facie case is made out against the accused appellant and no interference with the impugned summoning order is warranted.

5. In the FIR, two accused persons, namely, Man Singh Lodhi and Mahesh Ahirwar, are named. The allegation against the accused appellant and co-accused Mahesh Ahirwar is that, owing to a financial dispute between the accused persons and the informant, they committed the murder of the deceased by drowning him in the canal. During the course of investigation, the Investigating Officer submitted the final report. Thereafter, on the basis of the protest petition, the accused appellant and co-accused were summoned to face trial. Accused Man Singh Lodhi was summoned under Sections 105, 352, 351(3) BNS and Sections 3(1)(r), 3(1)(s) and 3(2)(5) of the SC/ST Act. It is specifically stated in the protest petition that the informant received specific information from one Manoj Kumar, who disclosed a specific and distinct role of the accused appellant in causing the culpable homicide of the deceased. During the course of investigation, the statement of Manoj Kumar, who is stated to be the son-in-law of the informant, was recorded, and he also supported the prosecution version as set out in the FIR. The essential facts constituting the alleged offences have also been mentioned in the protest petition. The post-mortem report available on record corroborates the prosecution version that the death of the deceased was unnatural and that the cause of death was asphyxia due to ante-mortem drowning. Whether the death was accidental or homicidal is a matter which can appropriately be adjudicated during the course of trial on the basis of the evidence adduced by the

parties. At the stage of taking cognizance/summoning, the Court is not required to conduct a mini-trial or meticulously examine and appreciate the evidence available on record; rather, the Court is only required to ascertain whether a prima facie case is made out against the accused. Considering the statement of witness Manoj Kumar, the post-mortem report and the other material available on record, this Court is of the view that a prima facie case is made out against the accused appellant.

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

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

8. 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 8, 2026
RA

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