2026:AHC:211209

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 8616 of 2026

Rajan Gupta

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s)	:	Priyavrat Tripathi, Sumit Gupta
Counsel for Respondent(s)	:	G.A.

Court No. - 91

HON'BLE SANTOSH RAI, J.

1. As per annexure no.1 to the affidavit filed by learned AGA, notice has been served upon opposite party no.2 personally.

2. Despite service of notice, none appears on behalf of opposite party no.2.

3. Heard learned counsel for the appellant/applicant and learned AGA for the State.

4. The present criminal appeal has been filed by the appellant with a prayer to set aside the entire proceeding, impugned charge-sheet as well as the impugned cognizance/summoning order dated 17.5.2026 passed by Special Judge, SC/ST (PA) Act, Ghazipur in Special Session Trial No.313 of 2026 (State vs. Rajan Gupta and others), arising out of Case Crime No.141 of 2026, under Sections 115(2), 352, 324(3) B.N.S. and Sections 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, P.S.- Kasimabad, District- Ghazipur.

5. Learned counsel for the appellant submits that the appellant has been falsely implicated in the present case and that there is a material discrepancy regarding the date of occurrence, as the FIR was registered on 19.04.2026, whereas the medical examination of the injured was conducted on 18.04.2026. It is further submitted that the date of occurrence has not been mentioned in the FIR and the discrepancy has also appeared in the statement of the injured. Learned counsel submits that the aforesaid contradictions create serious doubt regarding the

prosecution version and the involvement of the appellant, and therefore, the impugned order is liable to be set aside.

6. Learned AGA has opposed the prayer made by the appellant and submits that the discrepancy regarding the date of occurrence appears to be a clerical error and does not materially affect the prosecution case. He further submits that the role of the appellant in causing injuries to the informant-victim is specifically disclosed and is duly corroborated by the medical evidence, as the injured sustained three injuries, including two lacerated wounds on the head. Accordingly, no interference is warranted in the impugned order.

7. In the FIR, accused-appellant Rajan Gupta, along with two unknown persons, has been named. The allegation in the FIR is that the accused persons had reached the vegetable shop of the informant-victim for purchasing vegetables and, upon being refused, forcibly demanded the vegetables and, thereafter, caused injuries to the informant-victim and also used casteist slurs against him. It is noteworthy that neither the FIR nor the medical report specifically mentions the date of occurrence. The FIR was registered on 19.04.2026, whereas the medical examination of the injured was conducted on 18.04.2026. However, in the statement of the injured, the date of occurrence has been stated as 19.04.2026. Learned AGA submits that the discrepancy regarding the date may be due to a clerical error or otherwise. Be that as it may, so far as the role and involvement of the accused-appellant in causing injuries to the injured is concerned, the same finds due corroboration from the medical evidence available on record. As per the injury report, the informant-victim sustained three injuries, namely, two lacerated wounds on the head and one contused swelling. At the stage of taking cognizance, the trial court is not required to conduct a mini-trial or meticulously scrutinize and appreciate the evidence available on record; it is only required to ascertain whether a prima facie case is made out against the accused.

8. 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.

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

10. 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