**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**CRIMINAL APPEAL No. - 10896 of 2026**

Rampal And 4 Others

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

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| Counsel for Appellant(s) | : | Lavkush Kumar Bhatt |
| Counsel for Respondent(s) | : | G.A. |

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**Court No. - 91**

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

1. Heard Shri Lavkush Kumar Bhatt, learned counsel for the appellants, Shri R.K. Pandey, learned counsel for O.P. No.2 and learned AGA for the State.

2. The present appeal has been filed by the appellants to quash the chargesheet dated 10.09.2026 and to set aside the summoning order dated 28.09.2026 passed by Special Judge, SC/ST Act, Sambhal at Chandausi in Special Session Trial No.630 of 2026 (State vs. Rampal and others) arising out of Case Crime No.196 of 2026 under Sections 191(2), 117(2), 115(2), 352 and 351(3) BNS and Section 3(2)(va) of SC/ST (Prevention of Atrocities) Act, P.S.- Babrala, District- Sambhal.

3. In the FIR, five accused persons, namely Rampal, Jugendra, Manak, Bahadur and Ramesh, are named. The allegation against them is that they assaulted the complainant, Jauhari causing injuries to him and also hurled caste based abusive language against him and his wife.

4. Learned counsel for the appellants submits that the appellants have been falsely implicated due to a land dispute and previous enmity. The alleged incident took place on 16.07.2026, whereas the FIR was lodged after a delay of about three days without any satisfactory explanation. It is contended that the allegations of assault, caste-based abuses and threats are false and concocted, and that the medical and X-ray reports have been manipulated to lend support to the prosecution case. The appellants further submit that the police failed to conduct a fair investigation and that

the learned Special Judge, without proper application of judicial mind, illegally took cognizance and issued summons vide order dated 28.09.2026. Accordingly, the impugned summoning order and consequential proceedings deserve to be set aside.

5. Learned AGA and learned counsel for the opposite party no.2, oppose the appeal and submit that the FIR contains specific allegations of assault, caste-based abuses, criminal intimidation and causing a fracture injury to the complainant. It is contended that the statements of the complainant and other witnesses recorded during investigation, along with the medical and X-ray reports, prima facie support the prosecution case. The allegations of false implication arising out of a land dispute and manipulation of medical evidence are disputed questions of fact, which cannot be conclusively determined at this stage. Hence, no interference with the impugned summoning order is warranted.

6. In his statement, the injured complainant attributed the assault to all the accused persons and stated that he sustained simple as well as grievous injuries, including a fracture of the left wrist joint. Lakshmi corroborated the allegation of assault upon her husband with a hard and blunt object and stated that the accused persons also slapped her. The injury report dated 17 July 2026 noted traumatic swelling around the left wrist joint, while the X-ray report dated 18 July 2026 confirmed a fracture in the left wrist joint. The medical evidence, having been recorded soon after the incident, corroborates the FIR and the statements of the injured witnesses. The affidavit allegedly submitted by certain witnesses before the Superintendent of Police, relied upon by learned counsel for the appellants, has no relevancy at this stage to establish that the complainant has lodged a false case against the accused appellants. Further, the FIR and the statement of the injured specifically mention caste-based abusive words allegedly used by the accused persons.

7. At the stage of summoning, the court is only required to ascertain whether a prima facie case is made out from the material available on record. It is well settled that the court is not expected to undertake a meticulous appreciation of the evidence or conduct a mini trial at this stage. In view of the material available on record, a prima facie case is

clearly disclosed against the appellants. The appeal, being devoid of merit, is liable to be dismissed.

8. For the reasons recorded above, this Court finds that the learned trial court has rightly summoned the accused-appellants under Sections 191(2), 117(2), 115(2), 352 and 351(3) BNS and Section 3(2)(va) of SC/ST (Prevention of Atrocities) Act. 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. The appellants are not enlarged on bail, they are directed to appear before the court concerned and move bail application, within two weeks from today. It is made clear that no application seeking extension of the aforesaid period shall be entertained by this court.

11. In case, the appellants move bail application before the court concerned, the same shall be considered and decided by the trial court expeditiously and preferably on the same day, in light of principles laid down by the Supreme Court as well as this Court regarding surrender and bail.

12. In case, the appellants fail to appear before the court concerned within the stipulated period, the trial court will be at liberty to adopt appropriate coercive proceedings, in accordance with law, for securing the presence of the appellants.

13. Registrar (Compliance) is directed to communicate the instant order to the court concerned through District and Sessions Judge, Sambhal at Chandausi by e-mail/FAX within three days.

**(Santosh Rai,J.)**

**October 24, 2026**
Ankit.

Digitally signed by :-
ANKIT VISHWAKARMA
High Court of Judicature at Allahabad