



2026:AHC:167925

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 6786 of 2025

Ramnaresh

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s)	:	Anurag Dubey
Counsel for Respondent(s)	:	G.A., Rakesh Kumar Yadav

Court No. - 93

HON'BLE SANTOSH RAI, J.

1. Heard Shri Anurag Dubey, learned counsel for the appellant, Shri Rakesh Kumar Yadav, learned counsel for O.P. No.2 and learned AGA for the State.

2. The present appeal has been filed by the appellant to set aside the judgement and order dated 23.05.2025 passed by Special Judge, SC/ST Act, Mainpuri in Special Session Trial No.42 of 2018 arising out of Case Crime No.243 of 2017 under Sections 323, 504 and 506 IPC and Sections 3(1)(r) and 3(1)(s) of SC/ST (Prevention of Atrocities) Act, P.S.- Dannahar, District- Mainpuri, whereby the accused-O.P. No.2 has been convicted under Sections 323, 504 and 506 IPC but were released on probation and illegally awarded lesser sentence and he has been acquitted under Section 3(1)(r) and 3(1)(s) of SC/ST Act.

3. In the present case, an NCR was registered under Section 155 Cr.P.C. for offences under Sections 323, 504 and 506 IPC. In the NCR, it has been alleged that the accused persons, namely, Mohit, Manesh, Rishav and Rohit, abused the victim and his son in filthy language and also assaulted them.

4. Learned counsel for the appellant submits that the learned trial court has failed to properly appreciate the evidence of PW-2, the injured witness, and PW-3, who have consistently stated that the accused persons not only assaulted the injured but also used caste-based abusive language against him. It is submitted that the NCR itself contains an allegation of

caste-based abuse, wherein the informant specifically stated: “उसी समय उपरोक्त नामित अपने अपने हाथों में लाठी-डण्डा लेकर आये जिसमें मनेश के हाथ में तमंचा था व जातिसूचक गालियां देते हुए कहा कि साले धुविया तूने हम लोगों के खिलाफ मुकदमा लिखाया था।” It is further submitted that the accused persons also extended threats, as stated in the NCR: “जाते समय मुल्जिमान धमकी दे रहे थे कि साले धुविया थाना रिपोर्ट करने गया तो आज तो जिन्दा बच गया अब की बार साले को जान से मार देंगे।” Learned counsel submits that the trial court itself found no substantial contradiction in the statements of the prosecution witnesses, yet it failed to give due weight to their testimony while acquitting the accused persons of the offences under Sections 3(1)(r) and 3(1)(s) of the SC/ST Act. It is, therefore, submitted that the impugned judgment, to the extent of acquittal under the SC/ST Act and the sentence imposed, is legally unsustainable and deserves to be set aside.

5. Per contra, learned A.G.A. and learned counsel for the opposite party no.2 submits that the learned trial court has rightly appreciated the evidence available on record. The initial NCR registered under Section 155 Cr.P.C. contained allegations under Sections 323, 504 and 506 IPC, but did not mention any specific or distinct caste-based derogatory words. The allegation regarding the use of the word “धुविया” subsequently appearing in the statements of the witnesses is not sufficient, by itself, to establish that the accused persons intended to insult or humiliate the victim on the ground of his caste. It is submitted that the incident arose out of a dispute regarding the entry of the victim's buffalo into the field of the accused persons and was not shown to have been motivated by the caste identity of the victim. The learned trial court, after considering the testimony of PW-2 and PW-3, found no substantial contradiction sufficient to render their evidence wholly unreliable, and accordingly convicted the accused persons under Sections 323, 504 and 506 IPC, while acquitting them under Sections 3(1)(r) and 3(1)(s) of the SC/ST Act. It is further submitted that the finding of acquittal is based on proper appreciation of the evidence and does not suffer from any perversity or illegality warranting interference by this Court.

6. In the NCR, no specific or distinct caste-based derogatory words have been mentioned. Subsequently, when it came to light that the informant belonged to the Scheduled Caste/Scheduled Tribe category, the matter

was investigated, and a charge-sheet was submitted under Sections 323, 504 and 506 IPC and Sections 3(1)(r) and 3(1)(s) of the SC/ST Act. PW-1 Ram Naresh stated that all the accused persons had caused injuries to his son, Rohit, and had also used caste-based abusive language, namely, "Dhobiya". PW-2 Rohit, the injured witness, stated that the accused persons had caused injuries to him and had also abused him. The altercation/incident is stated to have occurred when the buffalo of the victim entered the field of the accused persons. However, there is no reliable material in the statements of PW-1 and PW-2 to establish that the alleged casteist slur was used by the accused persons with the intention of insulting or humiliating the victim on the ground that he belonged to the Scheduled Caste/Scheduled Tribe community. So far as the allegations of causing injuries and using abusive language are concerned, the learned trial court convicted the accused persons under Sections 323, 504 and 506 IPC, while acquitting them of the offences under Sections 3(1)(r) and 3(1)(s) of the SC/ST Act. Since the accused persons were acquitted of the offences under the SC/ST Act, the learned trial court, considering the facts and circumstances of the case, released them on probation. Admittedly, the statements of the witnesses contain allegations that the accused persons abused the victim and his son. However, for attracting Sections 3(1)(r) and 3(1)(s) of the SC/ST Act, it is essential to establish that the act was committed with the intention to insult or humiliate a person on the ground that such person belongs to a Scheduled Caste or Scheduled Tribe. In other words, the caste identity of the victim must be the motivating factor or the driving force behind the alleged act.

7. In the case of **Swaran singh vs State (2008) 8 SCC 435**, the Hon'ble Apex Court drew a clear distinction between the expressions "public place" and "any place within public view." A private place may still be a place within public view if the incident is visible to members of the public. Conversely, merely because an incident occurs in a public building does not automatically satisfy the requirement if it is not within public view. The Supreme Court held that words such as "Chamar", though originally denoting a caste, may amount to an offence if used as a casteist abuse with intent to humiliate a member of the Scheduled Castes. The Court emphasized that words should be understood in their popular

and social meaning, not merely their etymological meaning. For attracting Section 3(1)(x) (now Sections 3(1)(r) and 3(1)(s)), there must be intentional insult or intimidation; and intent to humiliate the victim because he or she belongs to a Scheduled Caste or Scheduled Tribe. Mere abuse or quarrel, without the requisite intention contemplated by the Act, is insufficient. The Court reiterated that criminal proceedings should continue only where the allegations disclose a prima facie offence against the particular accused. Proceedings may be quashed where the FIR does not disclose the essential ingredients against an accused.

8. In *Gorige Pentaiah vs state of AP & Ors* 2009 Cri.L.J. 350, Honble Apex court held "when the basic ingredients of the offence are missing in the complaint, then permitting such complaint to continue and to compel the appellant to face the rigmarole of the criminal trial would be totally unjustified leading to abuse of process of law." In the case of *Hitesh Verma vs. State of Uttarakhand* (2020) 10 SCC 710, the Hon'ble Supreme Court held that 'a dispute that arose inside the private house of a complainant over the possession of the land without the presence of independent public witnesses, does not satisfy the statutory threshold of Section 3(1)(r).

9. In the case of *Shajan Skraria vs. State of Kerala and another*, 2024 SCC Online SC 2249, the Hon'ble Apex Court by quoting the cases of *Hitesh Verma* (Supra) has held as under:

"13. The offence under Section 3(1)(r) of the Act would indicate the ingredient of intentional insult and intimidation with an intent to humiliate a member of a Scheduled Caste or a Scheduled Tribe. All insults or intimidations to a person will not be an offence under the Act unless such insult or intimidation is on account of victim belonging to Scheduled Caste or Scheduled Tribe. The object of the Act is to improve the socio-economic conditions of the Scheduled Castes and the Scheduled Tribes as they are denied number of civil rights. Thus, an offence under the Act would be made out when a member of the vulnerable section of the society is subjected to indignities, humiliations and harassment. The assertion of title over the land by either of the parties is not due to either the indignities, humiliations or harassment. Every citizen has a right to

avail their remedies in accordance with law. Therefore, if the appellant or his family members have invoked jurisdiction of the civil court, or that Respondent 2 has invoked the jurisdiction of the civil court, then the parties are availing their remedies in accordance with the procedure established by law. Such action is not for the reason that Respondent 2 is a member of Scheduled Caste."

In Khuman Singh v. State of M.P., (2020) 18 SCC 763

"15. As held by the Supreme Court, the offence must be such so as to attract the offence under Section 3(2)(v) of the Act. The offence must have been committed against the person on the ground that such person is a member of Scheduled Caste and Scheduled Tribe. Thus, the dictum as laid aforesaid is that the offence under Section 3(1)(r) of the Act, 1989 is not established merely on the fact that the complainant is a member of a Scheduled Caste or a Scheduled Tribe, unless there is an intention to humiliate such a member for the reason that he belongs to such community. In other words, it is not the purport of the Act, 1989 that every act of intentional insult or intimidation meted by a person who is not a member of a Scheduled Caste or Scheduled Tribe to a person who belongs to a Scheduled Caste or Scheduled Tribe would attract Section 3(1)(r) of the Act, 1989 merely because it is committed against a person who happens to be a member of a Scheduled Caste or Scheduled Tribe. On the contrary, Section 3(1)(r) of the Act, 1989 is attracted where the reason for the intentional insult or intimidation is that the person who is subjected to it belongs to a Scheduled Caste or Scheduled Tribe. I say so because the object behind the enactment of the Act, 1989 was to provide stringent provisions for punishment of offences which are targeted towards persons belonging to the SC/ST communities for the reason of their caste status."

10. It is well settled that although the appellate court has full power to reappreciate the evidence in an appeal against acquittal, interference is warranted only when the view taken by the trial court is perverse, manifestly illegal or wholly unsustainable. If the view taken by the trial court is a reasonably possible view on the evidence, the order of acquittal

ought not to be disturbed merely because another view is also possible. The said principle has been reiterated by the Hon'ble Supreme Court in **Golbar Hussain & Ors vs State Of Assam & Another, (2015) 11 SCC 242** and **Chandrappa & Ors vs State Of Karnataka, (2007) 4 SCC 415**.

11. In Suresh Thipmappa Shetty vs. The State of Maharashtra, 2023 LiveLaw (SC) 682, the Apex Court held as under:

"18.We have borne in mind the cardinal principle that life and liberty are not matters to be trifled with, and a conviction can only be sustained in the absence of reasonable doubt. The presumption of innocence in favour of the accused and insistence on the Prosecution to prove its case beyond reasonable doubt are not empty formalities. Rather, their origin is traceable to Articles 21 and 14 of the Constitution of India. Of course, for certain offences, the law seeks to place a reverse onus on the accused to prove his/her innocence, but that does not impact adversely the innocent-tillproven-guilty rule for other criminal offences."

12. Thus, having considered the entire facts and circumstances of the case, the material and evidence available on record, the submissions advanced by the learned counsel for the parties and the law laid down by the Hon'ble Supreme Court as discussed herein above, this court is of the considered opinion that the learned trial court has rightly convicted O.P. No.2 under Sections 323, 504 and 506 IPC and released him on probation. Furthermore, the learned trial court has rightly acquitted O.P. No.2 under Section 3(1)(r) and 3(1)(s) of SC/ST Act. The impugned order dated 23.05.2025 does not suffer from any illegality, perversity or infirmity warranting interference by this Court.

13. The appeal, being devoid of merits, is accordingly **dismissed**.

14. Registrar (Compliance) is directed to communicate the instant order to the court concerned through District and Sessions Judge, Mainpuri by e-mail/FAX within a week.

(Santosh Rai,J.)

August 11, 2026

Ankit.