



2026:AHC:164369

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 8327 of 2025

Madhu Sarkar Sharma

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s)	:	Abhishek Singh, Krishna Mani
Counsel for Respondent(s)	:	Sadhana Dubey, G.A.

Court No. - 93

HON'BLE SANTOSH RAI, J.

1. Heard Sri Abhishek Singh, learned amicus curie for the appellant, Ms.Sadhana Dubey, learned counsel for opposite party no.2 and learned A.G.A. for the State and perused the record.
2. This criminal appeal has been filed under Section 14 (A)(1) of S.C. & S.T Act to set aside cognizance/summoning order dated 07-08-2025 passed by Special Judge S.C, & S.T., Act, Sonbhadra along with Charge sheet dated 17-07-2025 in Session Case No.639 of 2025 (State Vs. Madhu Sarkar Sharma) arising out of Case Crime No.40 of 2025, under Sections 352, 351(3) B.N.S. and 3(2)(5A), 3(1)(d), 3(1)(dha) S.C.& S.T. Act at Police Station-Bijpur, District-Sonbhadra.
3. Tersely, a first information report has been registered as case crime no. 40 of 2025, under Sections 105, 352, 351(3) B.N.S. and 3(2)(v), 3(1)(d), 3(1)(dha) S.C.& S.T. Act. The allegation against the accused appellant Madhu Sarkar Sharma is that he is running private hospital and when son of the informant sustained grievous injuries, he was taken to the hospital of the appellant. During the course of providing medical treatment and vaccination, oozing was come out from the mouth of the son of the informant. Thereafter, he died. One criminal case being case crime no. 98 of 2024 has also been registered against the attendant of the hospital, Mahesh Kumar Sharma. It has been further alleged that charge-sheet has been filed in case crime no. 98 of 2024 against the attendant Mahesh Kumar Sharma, who is said to be given medical treatment and vaccination to the deceased. When the fact came to knowledge of the informant that accused appellant Madhu Sarkar Sharma has already been exonerated by the I.O.

during the course of investigation, application 173(2) B.N.S.S. was moved before the competent authority in order to register the case. Thereafter, this case was registered. After investigation, charge-sheet has been filed against the appellant under Sections 352, 351(3) B.N.S. and 3(2)(5A), 3(1)(d), 3(1)(dha) S.C.& S.T. Act.

4. Briefly, the grounds of the appeal are that the impugned cognizance/summoning order dated 07-08-2025 passed by Special Judge S.C. & S.T., Act, Sonbhadra is wholly illegal and not sustainable in the eyes of law. The impugned order is based on surmises and conjunctures as such same is liable to be quashed.

5. The learned counsel for the appellant submits that the appellant has been falsely implicated due to longstanding land dispute and village party bandi. No independent witness has supported the allegations made against the appellant, and the prosecution material does not disclose any credible evidence against him. From the FIR and the material collected during investigation, no offence under Sections 352, 351(3) BNS and Sections 3(2)(5A), 3(1)(d), 3(1)(dha) of the S.C. & S.T. Act is made out against the appellant. He further submitted that the impugned charge-sheet and cognizance/summoning order are illegal, arbitrary and contrary to law, as the learned Special Judge failed to apply judicial mind before summoning the appellant. The summoning order dated 07.08.2025 is unsustainable in the absence of sufficient material establishing the appellant's involvement.

6. Learned counsel for opposite party no.2 and learned A.G.A. for the State vehemently opposed the submission of learned counsel for the appellant and submit that the due to wrong treatment given by the appellant, son of the opposite party no.2 has died. Trial court has rightly summoned the appellant.

7. In the first information report and in the statement of the informant, it has been stated that upon complaint raised by the informant to the accused appellant, the accused appellant has used casteist slur against the victim. Learned counsel for the appellant submitted that during telephonic conversation, the intimidation and casteist slur was used. But no material was available on record that during course of telephonic conversation, same was committed. There is no requirement to conduct 'mini trial' at the stage of taking cognizance.

8. On the basis of circumstances, facts and circumstances in the totality, additionally the fact that one criminal case being case crime no. 98 of 2024, I am the considered view that there are relevant materials available for taking cognizance against the appellant. Thus the trial court has rightly taken cognizance on the basis of evidence available on the record.

9. Accordingly this criminal appeal is **dismissed**.

10. In the light of earlier order dated 31.07.2026, the learned Amicus Curiae Sri Abhishek Singh shall be paid Rs.10,000/- for providing valuable assistance to the Court from the fund of State Legal Services Authority.

August 6, 2026

Asha

(Santosh Rai,J.)