



2026:AHC:56317

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 1731 of 2026

Radhey Shyam And 8 Others

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s)	:	Ramesh Kumar
Counsel for Respondent(s)	:	G.A.

Court No. - 51

HON'BLE ANIL KUMAR-X, J.

1. Heard learned counsel for the appellants and Shri Acharya Rajesh Tripathi, learned AGA for the State.

2. As per office report, notice on the respondent/informant has been served, but none has appeared on behalf of the said respondent to oppose the appeal.

3. This criminal appeal under Section 14-A(1) of The Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been preferred by the appellants with a prayer to allow the appeal and set aside the impugned summoning order dated 13.08.2025 as well as B.W. order dated 05.12.2025 passed by Special Judge (SC/ST Act) /Additional Session Judge, Agra in Compliant Case No. 93 of 2024 (Smt. Kashmiri Vs. Radheyshyam & Ors) arising out of Case Crime No.159 of 2023, U/s 147, 323, 504, 506, 285, 427 I.P.C. & 3(1) Da, 3(1) Dha and 3(2) (Va) SC/ST Act, Police Station Kirawali, District Agra, as well as its entire proceedings.

4. Briefly stated, a first information report was lodged by the respondent/complainant against the present appellants in Case Crime No.0159 of 2023 under Sections 147, 323, 504, 506, 285, 427 IPC and Section 3(1)(da), 3(1)(dha), 3(2)(va) of the SC/ST Act. Matter was investigated and a final report was submitted. However, protest petition was filed by the respondent and same was converted into complaint. Statements of respondent/complainant and her three witnesses were

recorded by the learned trial court under Sections 200 and 202 Cr.P.C. respectively. Subsequently, appellants were summoned by the learned trial court.

5. Learned counsel for the appellants submitted that the appellants have been falsely implicated by the respondent/informant. Appellants have purchased some land from a person of Jatav community and respondent, being enraged by the said purchase of land, has lodged FIR against them as they themselves want to use the said land. It was further submitted that respondent/informant herself set ablaze her hut and thereafter made a video recording of the alleged incident and made false allegations against the appellants to lodge the FIR. It was found during the investigation that the hut was allegedly burnt by the respondent/complainant herself.

6. It was further submitted by the learned counsel for the appellant that there are material inconsistencies in the statements of complainant and her witnesses. Complainant has stated that nine accused persons were involved in the incident, whereas her three witnesses have stated that 7 - 8 accused persons were present during the incident. No injury report to substantiate the claim has ever produced either during the investigation or during the inquiry proceeding. It has been alleged that husband of the complainant sustained fracture in his leg and her daughter-in-law suffered miscarriage in the incident. However, no such evidence was tendered either during investigation or during the inquiry proceeding. Allegations are false, fabricated and fictitious and made with intent to take illegal possession of the land legally purchased by the appellant from its real owner. It was also submitted that the learned trial court has summoned the appellant no.7 Krishna Pal for offence under the SC/ST Act without considering that he also belongs to the community of SC/ST. Hence, the impugned order passed by the learned trial court is liable to be set aside.

7. Learned AGA submitted that though there are certain inconsistencies in the statements of complainant and her witnesses, yet those inconsistencies are not material. Complainant and her witnesses have corroborated the prosecution story. Hence, the impugned order does not required any interference.

8. I have considered the submissions advanced by learned counsel for the parties and perused the entire record including the impugned order.

9. The learned trial court has considered the statements of complainant and her three witnesses. There are certain inconsistencies regarding the presence of total number of accused persons during the incident in the statements of complainant and her witnesses. However, the said inconsistencies are immaterial apart from the fact that all the witnesses have corroborated the prosecution story. So far as the fact that whether the alleged hut was set ablaze by the appellant or the respondent/complainant is a disputed question of fact and same can be decided during the course of trial.

10. As far as the summoning of appellant no.7 to face trial for offence under the SC/ST Act is concerned, the same is also not much significant at this stage. If the appellant no.7 belongs to SC/ST community, then he should not have to face trial under the SC/ST Act. Said issue can be raised at the later stage of trial. Even if the said fact is negated, then also the same will not provide any aid to appellant no.7 because he will have to face trial for the remaining offences. Hence, this Court does not find any illegality, infirmity or irregularity in the impugned order passed by the learned trial court.

11. This criminal appeal is, accordingly, **dismissed**.

(Anil Kumar-X,J.)

March 19, 2026

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