



2026:AHC:54207

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 2817 of 2026

Jitendra Pratap Singh And 2 Others

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s)	:	Shiva Priya Prasad
Counsel for Respondent(s)	:	Krishna Kanhaiya Soni, G.A.

Court No. - 51

HON'BLE ANIL KUMAR-X, J.

1. Heard learned counsel for the appellants, Shri Krishna Kanhaiya Soni, learned counsel for the respondent no.2 and Shri D.K. Rai, learned AGA for the State.

2. 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 quash the entire proceedings arising out of cognizance order dated 12.8.2025 passed in Special Session Trial No. 307 of 2025 (State Vs Ram Ashish) on charge sheet dated 21.6.2020 in pursuance of in case crime no. 106 of 2020 u/s 147, 148, 323, 504, 506, 452, 325 of 1.P.C & Section 3(1)द, ध of S.C/S.T Act Police Station Khuthan District Jaunpur.

3. Learned counsel for the appellants has submitted that a first information report was lodged against 21 accused persons. Name of one accused person was repeated twice. Matter was investigated and subsequently charge-sheet was submitted only against 13 accused persons and remaining accused were exonerated during the investigation. The alleged occurrence is said to have occurred after some dispute took place between the parties on 17.5.2020 at around 5:00 pm. The issue of altercation between the parties related to grazing of goats. It was further submitted that respondent/informant himself submitted an application supported with affidavit before the concerned court that present appellants were not involved in the incident. Hence, the entire prosecution against the appellants are liable to be set aside.

4. Learned AGA and the learned counsel for the respondent/informant have submitted that the Investigating Officer had duly conducted the investigation and has submitted charge-sheet against those accused persons, who were really involved in the occurrence and has exonerated those accused persons, who were not involved. The investigation itself has filtered the innocent persons. Hence, there is no need to interfere in the matter at the stage when the concerned court has taken cognizance upon the charge-sheet- submitted by the Investigating Officer.

5. I have considered the submissions advanced by learned counsel for the parties and perused the entire record including the first information report.

6. It is apparent from the allegation that the altercation between the parties took place after the goat of informant intruded into the agricultural fields of appellants. Hence, the issue which further resulted into altercation itself reflects that the incident has occurred without any premeditation. There is no specific allegation of using casteist slurs. Though there is bare mention that caste based abuse was used by the appellants during the altercation, however, the role of assaulting and using casteist slurs is not specific and has been made against all the accused persons. In the given circumstances, this Court is of the view that the alleged occurrence which occurred suddenly does not constitute any offence against the appellants under Section 3(1)(द), 3(1)(ध) of SC/ST Act.

7. At this juncture, reference may be made to the judgment of the Hon'ble Supreme Court in **Keshaw Mahto @ Keshaw Kumar Mahato vs. State of Bihar, 2026 LiveLaw (SC) 62**, wherein, in paragraph 16, it has been held as under:

"16. In other words, to constitute an offence under Section 3(1)(s), it would be necessary that the accused abuses a member of a Scheduled Caste or a Scheduled Tribe 'by the caste name' in any place within public view. Thus, the allegations must reveal that abuses were laced with the caste name, or the caste name had been hurled as an abuse."

8. The facts of the present case are squarely covered by the law laid down by the Hon'ble Supreme Court in **Keshaw Mahto @ Keshaw Kumar Mahato** (supra). In the absence of specific allegations regarding the use

of caste name as an abuse, the prosecution of the appellants for offences under Sections 3(1)(द), 3(1)(ध) of the SC/ST Act cannot be sustained.

9. In view of the aforesaid, the cognizance and summoning order dated 12.8.2025 as well as proceedings in Special Session Trial No. 307 of 2025 (State Vs Ram Ashish) and charge sheet dated 21.6.2020, insofar as they relate to the appellants for offences under Sections 3(1)(द), 3(1)(ध) of the SC/ST Act, are hereby quashed. However, the proceedings in respect of the remaining offences under IPC shall continue in accordance with law.

10. This criminal appeal is, accordingly, **partly allowed** to the extent indicated above.

(Anil Kumar-X,J.)

March 17, 2026
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