



2026:AHC:126723

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 2534 of 2025

Golu Alias Kishun Rajbhar And 5 Others

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s)	:	P.K. Upadhyay, Vikram Yadav
Counsel for Respondent(s)	:	G.A., Mukesh Kumar Bharti

Court No. - 1

HON'BLE SAMIT GOPAL, J.

1.Heard Shri P.K. Upadhyay, learned counsel for the appellants, Shri Birendra Pratap Singh, learned AGA for the State and Shri Mukesh Kumar Bharti, learned counsel for the opposite party No. 2 and perused the record.

2.This appeal under Section 14-A(1) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been filed by the appellants, Golu @ Kishun Rajbhar, Dashrath Rajbhar, Ramsewak, Kanatu Rajbhar, Bhagwan Das, Ramu Rajbhar before this Court with following prayer :-

"It is therefore, most respectfully prayed that this Hon'ble court may kindly be pleased to allow the present appeal and set aside impugned summoning as well as cognizance order dated 12.07.2024 passed by Special /Ananya Judge (S.C./S.T.) Act, Varanasi in Special Sessions Case No. 683 of 2024 (State Vs. Ram Sewak @ Sewa Lal and others), as well as entire criminal proceeding of the aforesaid Special Sessions Case pending before him including the charge sheet dated 20.05.2024 arising out of case crime no. 0098 of 2024 under section 147, 323, 504, 506, 354B of IPC and Section 3(1) (Da), 3(1) (Dha), 3 (2) (5Ka) of SC/ST Act, against the appellant no. 1 and 2 and section 147, 323, 504, 506 of IPC and under Section 3(1) (Da), 3 (1) (Dha), 3 (2) (5Ka) of SC/ST Act against the appellant no. 3 to 6, Police Station- Rohaniya, District - Varuna (Commissionerate Varanasi)."

3.The learned counsel for the opposite party no. 2 and learned AGA

for the State state that they do not propose to file any counter affidavit, thus the Court proceeds to heard the matter on merits.

4.The facts of the case are that a first information report was lodged on 12.04.2024 by the opposite party no. 2 as Case Crime No. 0098 of 2024, under Sections 147, 323, 504, 506, 354 (kha) IPC, and Section 3(1)(Da), 3(1) (Dha), 3(2) (va) of the SC/ST Act, against the appellants on the basis of an application under Section 156(3) Cr.P.C. alleging therein that she is a poor lady and earns her livelihood from field work as labour, the accused are persons of the village of bad antecedents and are often involved in fights and occupying land of others. Harish Chandra her husband had instituted a case under Section 24 of the Uttar Pradesh Revenue Code, 2006 for his land of Araj No. 674 having an area of 0.89 hectare situated at Mauja Pithauli, Pargana Dehat Amanat, Tehsil Raja Talab, District Varanasi in the Court of SDM, Varanasi in which the formalities were completed and on the basis of reports of the Revenue Inspector and as per the field book an order was passed on 15.09.2023 for demarcation. In compliance of the same, the Revenue Inspector, Rohaniya along with police force came on 07.11.2023 and the land was demarcated. She then got her land identified and was in possession of it. On 13.12.2023 between 08:30 to 09:30 am when she with her son Amarnath went to the said field for its ploughing and cultivation along with a tractor and started work there; the accused together reached their and hurled caste related abuses and tried to stop them with the help of lathi and danda and she and her son opposed them on which the accused assaulted them with lathi, danda, kicks and fists and Ramsewak and Kanatu Rajbhar pulled her sari and made her nude her after which she fell down on the ground they also looted her gold locket and chain which was a mangalsutra of about 10 gms. They assaulted her and her son. Somehow they ran to their house on which the accused followed them and also assaulted them in their house. The incident was seen by many people of the village who intervened. The accused broke the house items and room and the kitchen, they threatened them of not cultivating the said land. The police on 112 number was tried to be informed but could not be connected after which a written application was given at police Chauki, Rohaniya Varanasi but no action was taken. Later on, they approached the SHO, Rohaniya, Varanasi many times and gave him an application but then on 22.12.2023, approached to ACP, Rohaniya along with the said

application but no action was taken. Her medical examination and medical examination of her son was got done on 22.12.2023 in Shiv Prasad Gupta Divisional Hospital, Kabirchaura, Varanasi wherein both the persons went for treatment and took medicines. Her son went to the Office of the Commissioner of Police on 30.12.2023 and gave a written application and also sent an application through registered post on 06.01.2024. They met to ACP, Rohaniya five times but no action was taken, application thus is moved.

5.The medical examination of Amarnath was conducted on 22.12.2023 at 04:30 pm at Shri Shiv Prasad Gupta Divisional Hospital, Kabirchaura, Varanasi where he was found to have received the following injuries:-

(i) Abrasion contusion 2 cm x 1 cm on right wrist joint, bluish in colour.

(ii) Complaint of right chest pain with tenderness.

(iii) Complaint of lower back pain with tenderness.

The nature of injuries were opined to have been caused as stated by assault on 13.12.2023. The injuries were opined to be simple in nature and of about 7 days in duration caused hard and blunt object.

6. Smt. Rama Devi was medically examined on 22.12.2023 at 04:35 pm at the same hospital and found to received the following injuries:-

(i) Complaint of lower abdomen pain. Advised USG Abdomen. Referred to Surgeon.

(ii) Complaint of lower back pain with tenderness.

(iii) Complaint of right knee joint pain.

The injuries as per the opinion of the doctor being injury No. 1 was kept under observation and advised USG abdomen. Further the history was stated to have received the alleged injury on 13.12.2023.

7.The investigation in the matter was started in which the statement of the first informant under Section 161 Cr.P.C. was recorded on 15.04.2024 and under Section 164 Cr.P.C. was recorded on 16.05.2024. Further Amarnath, Smt. Seema Kumari, Harish Chandra

were interrogated as alleged injured witness and eye witness. There were other witnesses namely, Smt. Urmila Devi, Smt. Guddi Devi, Smt. Kusum Devi, Smt. Kewali Devi, Smt. Kavita Devi Smt. Vidhwati Devi and Soni Devi who were also interrogated. After conclusion of investigation charge-sheet dated 20.05.2024 was filed against the Ram Sewak Rajbhar @ Sewa Lal, Kanatu @ Kantu Ram Rajbhar, Bhagwandas and Ramu Rajbhar under Sections 147, 323, 504, 506, 354 (kha) IPC, and Section 3(1)(Da), 3(1) (Dha), 3(2) (va) of the SC/ST Act and against Gollu @ Kisan Rajbhar, and Dashrath Rajbhar for offences under Sections 147, 323, 504, 506, 354 (kha) IPC, and Section 3(1)(Da), 3(1) (Dha), 3(2) (va) of the SC/ST Act. The Special Judge (SC/ST) Act, Varanasi vide order dated 12.07.2024 took cognizance on the same and summoned the accused persons.

8.Learned counsel for the appellants submitted that the appellants have been falsely implicated. It is submitted that the present dispute is a civil dispute which has been given the colour of criminal case. It is further submitted that the incident in the present case is of 13.12.2023 but the first information report has been lodged on 12.4.2026 on the basis of an application moved under section 156(3) Cr.P.C. and thus there is an inordinate delay in lodging of the first information report. It is further submitted that Amarnath son of first informant and informant himself are alleged to have received injuries and were also alleged to have been medically examined but the said injuries are false and concocted injuries inasmuch as the incident in the present matter is alleged to have taken place on 13.12.2023 but they were medically examined on 22.12.2023 which is after about 8 days which would go to show that the injuries itself were simple in nature and could have been self inflicted. Further while placing paragraph no. 13 of the affidavit in support of the appeal it is submitted that a civil suit as Original Suit No. 3177 of 2023 :Kanatu Ram vs. Harish Chandra and Others regarding the same land has been instituted in which notice has been issued on 6-C application by the Court of the Civil Judge (JD), Haveli, Varanasi. The said order has been placed before the Court which is annexed as Annexure-6 to the affidavit. Further while placing paragraph 24 of the affidavit, it is submitted that the said suit is pending in the concerned civil court. Further while placing paragraph 25 of the affidavit, it is submitted that the application under Section 156(3) Cr.P.C. moved by the opposite party no. 2 is dated 17.1.2024 which has been moved with an

intention to falsely implicate the appellants with unexplained delay of about one month and 4 days. It is further submitted that the appellants have no criminal history except the present case for which paragraph 30 of the affidavit has been placed, it is submitted that this present appeal is allowed and the prayer made therein be granted.

9.Learned counsel for the opposite party no. 2/first informant on the other hand submitted that as per the prosecution case the land on which the dispute took place was of the opposite party no. 2 which was dully demarcated by following procedure of law. It is submitted that the opposite party no. 2 and her son were ploughing the said land for cultivation wherein the accused appellants reach there and assaulted them. It is further submitted that efforts were made by the opposite party no. 2 for lodging the report earlier which has specifically been mentioned in application under Section 156(3) Cr.P.C. in its paragraph 10 and after not being successful she made an application under Section 156(3) Cr.P.C. without any unreasonable delay. It is submitted that the delay in moving of the application under Section 156(3) Cr.P.C. has been explained in paragraph 10 of the said application. It is submitted that the first informant and her son received injuries which corroborates with the prosecution case. It is further submitted that the appellants are also involved in one other case being Case Crime No. 0215 of 2024, under Sections 191(2), 115(2), 126(2), 352, 351(2), BNS and Section 3(1) (Da), 3(1) (Dha), 3(2) (Va) of SC/ST Act, Police Station Rohaniya, District Varuna (Commissionerate Varanasi). They had file an appeal against the summoning order dated 20.11.2024 before this Court being Criminal Appeal No. 4464 of 2025 which was disposed of vide order dated 13.10.2025 with a direction to the court concerned to decide the bail application of the appellants in accordance with law. The prayer was made they do not want to press the prayer made in the appeal. It is submitted that the present appeal is devoid of merits and deserves to be dismissed.

10.Learned AGA for the State has also opposed the present petition and submissions of learned counsel for the appellant and adopted the arguments of learned counsel for the opposite party No. 2 and further submitted the said argument by submitting that the appellants are named in the FIR and there are serious allegations against them. It is submitted that appellants were previously known to the first informant and the witness and there was no difficulty for disclosing their names in the prosecution version. It is submitted that the

appeal is devoid of merits and deserves to be dismissed.

11.It is submitted that even otherwise the conduct of the appellant is not above board inasmuch as they have been summoned vide order dated 12.07.2024 by the court concerned and in spite of two years elapsed they have been not joined the proceedings before the trial court and are absconding despite no protective orders have been passed against them.

12.Having heard the learned counsel for the parties and perused the record, it is evident that the appellants are named in the FIR, the identity of the appellants are not disputed as they were known to the first informant and the witnesses. The appellant Nos. 1 and 2 are also alleged to have enraged the modesty of the first informant and charge-sheet under the said relevant section has also been filed against them. In the present matter the first informant and her son had received injury; they were medically examined and were found to receive injuries. In the application under Section 156(3) Cr.P.C./ FIR in its paragraph 10 it clearly states all the efforts done by the first informant for lodging of FIR immediately after the incident which did not have any result and then an application under Section 156(3) Cr.P.C. dated 17.01.2024 was moved by her on which the court concerned passed an order directing the concerned to lodge and report and investigation of the matter on which the FIR was lodged. After investigation charge-sheet has been submitted against the appellants. At this stage a finding that the alleged injuries received by the two injured are false and fabricated cannot be given. The same is a matter of trial. The argument regarding the dispute being civil in nature does not have any substance inasmuch as the land of the first informant was previously demarcated by the competent authority and she was put in possession of the same after which the accused had reached the field when she had to come for cultivation and assaulted them. The same, cannot be said to be a dispute of civil nature. The present petition thus does not call for any interference in the matter as is without any merit.

13.The appeal thus stands dismissed.

June 10, 2026
Priyanka

(Smit Gopal,J.)