



**In The Court of Special Judge [Scheduled Caste and Scheduled Tribe
(Prevention of Atrocities) Act], Etah**

Present: Ashok Kumar XIII (J.O. Code - UP2392)

Complaint Case No. 268 of 2025

Raju s/o Late Revati, aged about 28 years, r/o Gram Nasirpur, Police Station
Baghwala, District Etah.Complainant

Versus

1. Narsingh s/o Khushiram, aged about 52 years.
2. Sukhveer s/o Narsingh, aged about 26 years. Both r/o Gram Nasirpur, Police
Station Baghwala, District Etah. . .Opposite Parties/Proposed Accused

Date: 10.04.2026

1. The matter currently pending before this Court for consideration pertains to a complaint filed by the complainant, Raju, seeking the initiation of criminal proceedings against the proposed accused persons under the relevant provisions of the Bharatiya Nyaya Sanhita, 2023, and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. This Court is tasked with determining whether a prima facie case is established to warrant the issuance of process under Section 227 of the Bharatiya Nagarik Suraksha Sanhita, 2023.
2. The factual matrix of the case, as delineated in the complaint, suggests that the complainant, Raju, is a resident of Gram Nasirpur and belongs to the Scheduled Caste community. On 11.09.2025, at approximately 08:00 PM, while returning from his work as a mason in Gram Bhagwantpur, the complainant visited his waterlogged field to catch fish. It is alleged that the proposed accused, Narsingh and Sukhveer, were already present at the said field, engaged in unauthorizedly catching fish from the complainant's property. Upon the complainant's request for a portion of the fish or his objection to their presence, the proposed accused persons allegedly subjected him to severe verbal abuse, employing caste-indicative

derogatory slurs with the intent to humiliate him in public view. Furthermore, it is stated that the proposed accused persons, acting with common intention, launched a physical assault upon the complainant, causing him multiple bodily injuries. The complainant asserts that although the incident was recorded on a mobile device by an acquaintance, the local police at Police Station Baghwala failed to take necessary action, compelling the complainant to seek redressal through the Hon'ble Senior Superintendent of Police, Etah, via registered post on 23.09.2025, and subsequently through the filing of the present complaint before this Court.

3. In the course of the pre-summoning inquiry, the statement of the complainant, Raju, was recorded under Section 223 of the Bharatiya Nagarik Suraksha Sanhita, 2023, as PW1. In his deposition, the complainant deposed that on the evening of 11.09.2025, the proposed accused persons denied his request for fish from his own field and, after a lapse of two hours, resorted to using filthy language and caste-based slurs against him. He specifically mentioned that he was physically assaulted by both Narsingh and Sukhveer, resulting in injuries to his hands, feet, and neck. He further clarified that there was no prior enmity between the parties and the dispute was triggered solely by the refusal of the fish and the subsequent high-handedness of the proposed accused. The complainant also produced a medical examination report dated 23.09.2025 to corroborate his claims of physical hurt.
4. To further support the allegations, the statement of Ajay s/o Puran was recorded as PW2 under Section 225 of the Bharatiya Nagarik Suraksha Sanhita, 2023. This witness testified as a eyewitness to the occurrence. He stated that on the date of the incident, he accompanied the complainant to the location where the proposed accused were present. He corroborated the complainant's version regarding the use of abusive and caste-indicative language by Narsingh and Sukhveer. PW2 specifically deposed that the proposed accused persons assaulted the complainant, Raju, causing significant injury to his knee. He affirmed that the dispute originated from the refusal to share the fish caught from the complainant's field. Although this witness claimed he did not sustain injuries himself, his testimony provides strong corroboration regarding the assault and the humiliation directed at the complainant based on his caste identity.
5. Additionally, the statement of Nihal Singh, the brother of the complainant, was recorded as PW3. While this witness was not present at the exact moment of the physical assault, he deposed that upon returning home, he was informed by children in the village about the attack on his brother. He observed the injuries on

Raju's knees and was informed of the caste-based abuse hurled by the proposed accused. PW3 also testified that the complainant received medical treatment at a government hospital. His statement, though partially based on information received from others, serves to establish the immediate aftermath of the incident and the visible injuries sustained by the complainant.

6. This Court has carefully perused the medical examination report of the complainant, Raju, dated 23.09.2025, conducted at 12:45 PM. The report reveals the presence of several injuries, including a peeled scabbed abrasion on the dorsum of the left thumb, a peeled scabbed abrasion on the left knee joint, and multiple scabbed peeled abrasions with yellowish-brown contusion on the right knee joint. The medical officer has opined that the nature of all injuries is simple and the duration of the injuries was estimated to be about 10 to 12 days prior to the examination. This medical finding is strikingly consistent with the complainant's allegation that the incident occurred on 11.09.2025. The temporal alignment between the alleged date of the incident and the clinical findings recorded in the medical document provides weight to the claim of physical assault.
7. Pursuant to the directions of this Court, an inquiry report was submitted by the Police Station Baghwala, District Etah. The report acknowledges that both parties are residents of the same village and that a dispute indeed took place regarding the catching of fish in a waterlogged field belonging to the complainant. The report identifies the complainant as belonging to the Scheduled Caste community and the proposed accused as belonging to the Other Backward Classes. However, the police report concludes that the allegations made in the complaint are not prima facie confirmed, citing the complainant's inability to produce the video recording mentioned in the complaint. While this Court has taken due note of the police report, it is a settled principle of law that a judicial officer is not bound by the conclusions of a police inquiry if the evidence recorded by the Court itself suggests otherwise. The presence of ocular testimony from the complainant and an eyewitness, supported by a corroborative medical report, cannot be ignored merely because the police could not find independent confirmation during a brief inquiry.
8. It is pertinent to note that despite the issuance of notices to the proposed accused persons, they have failed to appear before this Court during the hearing of the summoning matter. Consequently, this Court has proceeded to analyze the material on record based on the submissions made on behalf of the complainant and the evidence adduced during the pre-summoning stage.

9. In analyzing the legal framework, this Court must be guided by the principles governing the summoning of accused in a complaint case. Under Section 227 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the Court is required to evaluate whether there is "sufficient ground for proceeding." This does not imply that the Court must be satisfied that the evidence is sufficient to secure a conviction. As emphasized by the Hon'ble Supreme Court in various pronouncements, the adequacy of evidence is a matter for trial. At the stage of Section 227, the Court must only determine if a prima facie case exists. The Hon'ble Supreme Court in **State of Gujarat v. Afroz Mohammed Hasanfatta 2019 INSC 146; 2019 SCC ONLINE SC 132** has clarified that while the order of summoning must reflect the application of mind, it need not be a detailed judgment. The satisfaction of the Court regarding the existence of sufficient grounds is the paramount requirement.
10. The principles laid down in **Mehmood Ul Rehman v. Khazir Mohammad Tunda 2015 SCC ONLINE SC 320** further underscore that the Magistrate must be satisfied that the allegations constitute an offence. The criminal process should not be used as a tool for harassment, and the Court must ensure that the allegations are not frivolous or vexatious. In the instant case, the consistency between the complaint, the statements of the witnesses, and the medical evidence suggests that the matter is not a product of imagination or malice. The dispute over the fish provided a immediate motive for the conflict, and the subsequent assault and abuse as described by the witnesses constitute specific offences under the BNS and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
11. Regarding the offences under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Section 3(1)(r) penalizes the intentional insult or intimidation with intent to humiliate a member of a Scheduled Caste or a Scheduled Tribe in any place within public view. The statements of PW1 and PW2 categorically state that the proposed accused used caste-indicative slurs in a field, which is a place within public view. The use of such language, coupled with the physical assault, prima facie demonstrates an intention to humiliate the complainant based on his caste identity. The fact that the proposed accused knew the complainant's caste is also evident from the police report and the village context.
12. Furthermore, the allegations of physical assault attract the provisions of the Bharatiya Nyaya Sanhita, 2023. Section 115(2) of the BNS deals with voluntarily causing hurt, which is corroborated by the medical report showing abrasions and

contusions. Since the assault was allegedly committed by both Narsingh and Sukhveer in tandem, the provision of common intention under Section 3(5) of the BNS is also prima facie attracted. The collective action of the father and son in abusing and beating the complainant suggests a shared intent to cause harm and humiliation.

13. This Court has also considered the guidance provided by the Hon'ble Supreme Court in **Birla Corporation Limited v. Adventz Investments and Holdings Limited 2019 SCC ONLINE SC 682**, which notes that the inquiry under Section 202 CrPC (now u/s 225 BNSS) is intended to protect the innocent from harassment. However, when the evidence on record presents a coherent narrative of a criminal act, the Court is duty-bound to issue process. The minor delay in seeking medical examination or the non-production of a video at the pre-summoning stage does not weaken the case to the extent of dismissal. Such issues are matters of appreciation of evidence during the trial.
14. It is essential to distinguish between a civil dispute and a criminal offence. While the origin of the conflict was a dispute over fish in a field—which might have civil overtones regarding property rights—the subsequent acts of using caste-based slurs and committing physical violence elevate the matter into the realm of criminal law. The law does not permit individuals to resort to violence or humiliation even if there is a dispute over movable or immovable property. Therefore, the argument that this is purely a civil matter cannot be sustained at this stage.
15. The Hon'ble Supreme Court in **Cardinal Mar George Alencherry v. The State of Kerala 2023 SCC ONLINE SC 286; 2023 INSC 250** has emphasized that once the Magistrate finds sufficient ground, he shall issue summons. The procedure requires the filing of a list of prosecution witnesses and the payment of process fees. This Court finds that the complainant has complied with the necessary procedural requirements and has produced sufficient ocular and documentary evidence to cross the threshold of a prima facie case. The specific allegations of being called derogatory names and being beaten up are not vague; they are specific as to time, place, and participants.
16. The evaluation of the statement of PW2, Ajay, is particularly crucial. Being a witness who is not a family member of the complainant, his corroboration of the caste-based abuse and the assault adds significant credibility to the complainant's version. The medical report further anchors the testimony in physical reality.

Although the police report expressed a lack of "confirmation," the judicial standards for summoning are distinct from police investigation standards. The judicial application of mind to the sworn statements of the witnesses leads this Court to a different conclusion than that of the investigating officer.

17. In view of the foregoing analysis, this Court is of the considered opinion that there are sufficient grounds to proceed against the proposed accused persons- Narsingh and Sukhveer. The allegations, if taken at face value along with the supporting statements and medical evidence, constitute a prima facie case under Section 115(2) read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023, and Section 3(1)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The requirement of a prima facie case does not demand an exhaustive proof of the charges, but merely a determination that there is a triable case. Consequently, the complaint is liable to be allowed at the stage of summoning.

Order

In light of the detailed analysis of the complaint, the statements of the complainant and witnesses, and the medical evidence on record, this Court finds that there are sufficient grounds to proceed against the proposed accused persons. Accordingly, let the accused Narsingh s/o Khushiram and Sukhveer s/o Narsingh be summoned to face trial for offences punishable under Section 115(2) read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023, and Section 3(1)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Summons shall be issued to the said accused persons for their appearance before this Court. The complainant is directed to proceed as per procedure. Upon compliance, the office is directed to issue the process.

List the matter on **25.05.2026** for the appearance of the accused.

Date: 10.04.2026

(Ashok Kumar XIII)
Special Judge [SC/ST (PA) Act]
Etah