

IN THE COURT OF
SPECIAL JUDGE S.C./S.T. ACT,
ADDITIONAL DISTRICT & SESSIONS JUDGE, COURT NO:- 2, UNNAO
(PRESIDED OVER BY ANKITA SHUKLA)

UPUN010059102025



CRIMINAL MISCELLANEOUS CASE NO.- 839/2025

VIKAS KUMAR

V/S

AJAY BABU @ PAPPU

Case Crime No:- 161/2025,

Sections:- 352, 356(2) B.N.S. & 3(2)(Va) S.C./S.T. Act,

Police Station:- Purwa, District:- Unnao

Date:- 24.07.2026

Case called out. File was presented. The file is scheduled for order today.

Aforesaid Criminal Miscellaneous Case No:- 839/2025 of First Information Report in Case Crime No:- 161/2025, under Sections:- 352, 356(2) B.N.S. & 3(2)(Va) S.C./S.T. Act of Police Station:- Purwa, District:- Unnao has been instituted on the filing of the Final Report No:- 61/2025 Dated:- 16.07.2025 by the police.

Notice was issued to the complainant Vikas Kumar to present the Protest Application/Objection against the filed final report. The complainant appeared in the court and pressed his Objection on 24.07.2026, in which it has been stated that in the above case the applicant is the complainant. The Investigating Officer did not record any statements of the applicant and witnesses nor did he inspect the scene of the incident. The recording received by the applicant from Rajkumari W/o Rakesh, in which the opponent Ajay Babu @ Pappu has mentioned the applicant's father's name and village name and has addressed the applicant as Chamarwa, which is a caste-indicative derogatory word for the Chamar caste. Therefore, Ajay Babu has attacked the applicant and his father by damaging their honour and respect and even while coming and going, Ajay Babu @ Pappu puts undue pressure on the applicant's father for an illegal settlement and abuses him. The investigating officer did not take the statement of the applicant and his witnesses, then the applicant sent the affidavit evidence to the S.P., Unnao through post on 23.05.2025, despite which the investigating officer did not include the affidavit evidence of the applicant in the investigation. The investigating officer did not get the call details, location and CDR of mobile numbers 8853949107 (Rajkumari) and 7355535656 (Ajay Babu @ Pappu) nor

did he collect them as evidence in the investigation. At the end of the investigation, the investigating officer stated that a case had been registered regarding insulting the complainant by using casteist words on his phone. During the investigation of the said case, after observing the audio recording provided by the complainant, it was found that Ajay Babu @ Pappu did not say anything bad about Vikas, S/o Nanha, nor did he mention the name of Vikas's father Nanha and the village Sohna Kheda, nor did he use casteist or derogatory words like Chamarwa out of enmity. The fact to be considered here is that the investigating officer did not take any audio clip from the complainant, then how did the investigating officer write in his investigation that there are no casteist words or bad words in the evidence and audio provided by the complainant. If the voice recording was not sent by the investigating officer for investigation to the Forensic Science Laboratory, then how did the investigating officer come to know whether it is the voice of Ajay Babu @ Pappu in the voice recording and without getting the CDR location confirmed the time and incident or not, how did the investigating officer mention this fact in his case diary that this is a fact worth considering. The Investigating Officer conducted the investigation on the basis of false and fabricated facts without taking the statement of the complainant and his witnesses and did not include those facts in the investigation on which the entire case was made and the F.I.R. was registered, as if Section 63 of the Indian Evidence Act (BSA) was not complied with. Crime no. 291/2021 was registered against accused Shubham Goswami S/o Ajay Babu @ Pappu. After investigation, charge sheet was filed by I.O., which is pending in the court, whose next date of hearing is fixed on 18.07.2026 and the case crime no. 150/2021 against Ajay Babu @ Pappu & Others was registered by Vikas's father Nanha in police station Purwa under section- 307 I.P.C. & 3(2)(va) S.C./S.T. Act, apart from this, a case was registered against accused Ajay Babu @ Pappu & others under Cse Crime No. 44/2026, sections- 110, 19(2), 115(2), 352, 351 (3) B.N.S. and 3(2)(va) S.C./S.T. Act, in which section- 64(1) B.N.S. has been added after the statement of the victim under section-183 B.N.S.S. Investigation is underway in which the accused Ajay Babu @ Pappu, Pintu, Shubham Goswami, Himanshu Goswami, Mohit Goswami and other relatives together committed the crime and the accused are wanted and absconding. Likewise accused Ajay Babu @ Pappu, and his sons and relatives, have committed several crimes against Vikas S/o Nanha, R/o Sohan Kheda village, Purwa police station, Unnao district, and have gotten FRs registered in the cases. The crime number is 161/2026 of this Final Report. Firstly, the Hon'ble Supreme Court has also issued guidelines from time to time under the Evidence Act, directing that forensic reports must be obtained for any electronic evidence, such as audio recordings, video recordings, DNA, and various other types of electronic evidence. In such a situation, it is just and proper to reject the police report submitted by Purwa Police Station in Case Crime No. 161/2025 and to accept the protest petition filed by the applicant. Therefore, a request has been made for

cancelling the final report sent by the police of case crime no. 161/2025, Police Station Purwa, accepting the protest application submitted by the applicant, regarding investigation of the above case, and to direct the Station House Officer/In-charge Inspector, Police Station Purwa, District Unnao with the intention that the audio/video recording and other electronic evidences provided by the complainant in the form of electronic evidence should be taken into his possession and forensic investigation should be done as per rules and the statements of the complainant and his witnesses should be taken on affidavit and included in the investigation.

An affidavit in support of protest application has been submitted by the applicant.

Heard and perused the file as well as the protest petition of the complainant.

From the perusal of the file it has been mentioned by the I.O. in his final report that the aforementioned case was registered by the complainant, Shri Vikas Kumar, S/o Nanha Chamar, R/o Village Sohankheda, Majra Marui Naimpur, Post Chetra, Police Station Purwa, District Unnao, against Ajay Babu @ Pappu, S/o Gangasahai, R/o Village Marui, Police Station Purwa, District Unnao, regarding the accused insulting the complainant over the phone using casteist slurs. From the thorough investigation of the said case and the examination of the audio provided by the complainant, it was found that Ajay Babu @ Pappu did not engage in any malice, animosity, or insulting conversation regarding Vikas, S/o Nanha, nor was he found using any casteist slurs against Vikas. This has been clearly stated by the witness, Rajkumari, in her statements, clarifying that during the phone conversation with Ajay Babu, he did not use any insulting casteist slurs against Vikas, but rather their conversation was about some other matter. Due to an electoral rivalry between Vikas and Ajay Babu, Vikas exaggerated the facts and filed a lawsuit based on false allegations. Since no verified evidence has been found against the accused Ajay Babu from the entire investigation conducted so far, the investigation of the said case is concluded due to lack of evidence via Final Report No. 61/25 dated 16.07.2025. Hence, in the absence of evidence, Final Report No.- 61/2025 dated 16.07.2025 was closed against which aforesaid objection has been filed by the complainant.

For considering the final report, the court has the following options:-

1. If the Court finds it appropriate and there is prima facie evidence on the file to prove that the defendants/accused should be summoned for trial, then it may cancel the final report and directly summon the defendants/accused for trial.
2. If the Court feels that there is a need for further investigation in the case then it can order the investigating officer to conduct further investigation.
3. If the Court deems it appropriate and the complainant has evidence, then it can register the case as a complaint and after examining the evidence of the complainant

under Section 200 Cr.P.C. and the evidence of his witnesses under Section 202 Cr.P.C., and further action can be taken.

4. If the Court does not find any mistake in the investigation conducted by the investigating officer, then it can accept the final report and end the proceedings.

According to the complainant, the Investigating Officer did not record any statements of his and his witnesses nor did he inspect the site of the incident. He has also stated that the investigating officer had not gotten the call details, location and CDR of mobile numbers 8853949107 (Rajkumari) and 7355535656 (Ajay Babu @ Pappu) nor did he collect them as evidence in the investigation. Further he has stated that the investigating officer had not taken any audio clip from him, then how did the investigating officer write in his investigation that there are no casteist words or bad words in the evidence and audio provided by him. He has also mentioned that the Investigating Officer had conducted the investigation based on false and fabricated facts, without recording the statements of the complainant (informant) and his witnesses, and excluded the actual facts that formed the core of the case and the basis on which the F.I.R. was registered, thereby failing to comply with Section 63 of the Bharatiya Sakshya Adhiniyam (B.S.A.). Accordingly, the Court considers it appropriate that the final report is liable to be quashed and the case is eligible to be registered as a Complaint.

ORDER

The Final Report No:- 61/2025 Dated:- 16.07.2025 sent by police in Criminal Miscellaneous Case No:- 839/2025 of First Information Report in Case Crime No:- 161/2025 under Sections:- 352, 356(2) B.N.S. & 3(2)(Va) S.C./S.T. Act, Police Station:- Purwa, District:- Unnao is hereby **rejected**. The protest application of the complainant Vikas Kumar is **registered as a Complaint** and the file is to be fixed to record the statement of the complainant Vikas Kumar under Section 223 B.N.S.S. on 07.10.2026.

Date:- 24.07.2026

(Ankita Shukla)
Special Judge S.C./S.T. Act/
Additional District & Sessions Judge,
Court No:- 2, Unnao