

Court No. - 67

Case :- CRIMINAL APPEAL No. - 6214 of 2022

Appellant :- Rajni Goyal

Respondent :- State of U.P. and Another

Counsel for Appellant :- Akshat Sinha

Counsel for Respondent :- G.A.

Hon'ble Rahul Chaturvedi,J.

Heard learned counsel for the appellant as well as learned A.G.A.

By means of the present criminal appeal under Section 14A-1, the appellant is assailing the legality and validity of the order dated 10.01.2022 passed by learned Special Judge, SC/ST Act, Ghaziabad in complaint case no.90 of 2021 under Section 323, 325, 420, 467, 468, 471, 504, 506, 120B IPC and Section 3(1)Da, Dha of SC/ST Act, police station-Madhuban Bapudham, District-Ghaziabad.

Learned counsel for the appellant submits that as per the provision of judgment of this Court in the case of **Soni Devi Vs. State of U.P.** in Application U/S 482 No.12864 of 2021 whereby, it is urged that only the FIR to be lodged for the offences related with SC/ST Act, and so of complaint case is bad in the eye of law.

Per contra, learned A.G.A. has cited yet another judgment of **Naresh Kumar Valmiki Vs. State of U.P. and ors.** decided on 07.04.2022 in Application U/S 482 No.14443 of 2022 whereby co-ordinate Bench of this Court has taken another view which touches the core issue of the present controversy.

Matter has been referred to larger Bench for consideration of the issue.

Connect the present case with Application U/S 482 No.14443 of 2022 titled as **Naresh Kumar Valmiki Vs. State of U.P. and ors.,** and the fate and future of the case shall be co-extensive of the decision of the aforesaid legal issue.

Issue notice to opposite party no.2 through the Chief Judicial Magistrate, Ghaziabad to file counter affidavit.

Till further orders, effect and operation of order dated 10.01.2022 shall remain stayed and the fate and future of this appeal shall be dependent upon the ultimate result of the larger

bench on the issue of maintainability of complaint case attracting provisions of SC/ST Act.

At this juncture, without touching the merit of the case, when the very maintainability of complaint case under SC/ST Act is for judicial scrutiny by the larger Bench, the Court in the fitness of circumstances, is passing the above interim order.

Order Date :- 8.9.2022

Sumit S