

Court No. - 83

Case :- CRIMINAL APPEAL No. - 9371 of 2024

Appellant :- Gama Siddiqui Alias Gama

Respondent :- State of U.P. and Another

Counsel for Appellant :- Yash Pratap Singh

Counsel for Respondent :- Ashok Kumar Yadav, G.A., Kamallesh Singh, Vishal Jaiswal

Hon'ble Shekhar Kumar Yadav, J.

1. Supplementary affidavit has been filed today, is taken on record.
2. Heard Mr. Yash Pratap Singh, learned counsel for the appellant, learned AGA for the State and Mr. Vishal Jaiswal, learned counsel for the respondent no.2.
3. The present criminal appeal under Section 14-A(2) Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act has been filed by the appellant challenging the impugned charge sheet no.312 of 2023 dated 08.09.2023, under Sections 147, 323, 504, 506 IPC and Sections 3(1) Da, 3(1) (dha) of SC/ST (Prevention of Atrocities) Act, Police Station Ahirauli Bazar, District Kushinagar whereby the court below summoned the appellant to face trial.
4. Learned counsel for the appellants submits that the appellant is innocent and has been falsely implicated in the present case. He draw attention of the Court towards annexure no.1 of the supplementary affidavit wherein it is stated that during pendency of the appeal, the appellant has made a complaint before the authorities questioning the caste certificate of the first informant stating therein that the first informant belongs to the caste "Gond", which does not come within the category of "Scheduled Caste and Scheduled Tribes" and the first informant belongs to 'other backward classes (OBC)'. He further submits that on the said complaint made by the appellant, a committee was formed comprising of District Magistrate, Kushinagar, Member/Additional District Magistrate (Revenue), Sub Divisional Magistrate, Haata and Member/Secretary District Development Officer for verification upon which the said committee submitted its report that the first informant belongs to "Kahaar", which comes under the OBC category, therefore, the offence under the SC/ST Act is not made out against the appellant.
5. Matter requires consideration.

6. Learned counsel for the respondent no.2 prays for and is allowed two weeks time to file counter affidavit.
7. Put-up again as fresh on 5th September, 2025.
8. Till the next date of listing, the proceeding against the appellant under the SC/ST act shall remain stayed.

Order Date :- 19.8.2025

Ajeet