



HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 10525 of 2025

Ritesh And Another

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s)	:	Jawad Tariq, Sr. Advocate
Counsel for Respondent(s)	:	G.A.

Court No. - 86

HON'BLE SHEKHAR KUMAR YADAV, J.

1.Heard Sri N.I. Jafri, Senior Advocate assisted by Sri Jawad Tariq, learned counsel for the appellants as well as learned AGA and have perused the record.

2.This criminal appeal under Section14-A(1) of SC/ST Act has been filed by the appellant to set aside the charge sheet dated 27.4.2025 and order dated 29.7.2025 summoning the appellants, passed by the Special Judge,SC/ST Act, Agra in Session Case No. 1512 of 2025, arising out of Case Crime no. 219 of 2024, under Section 323, 342, 147 IPC and section 3 (1) Da, Dha, 3 (2) Va of SC/ST Act, P.S. Jagdishpura, District Agra as well as entire proceeding of the above mentioned case.

3.It is contended by learned counsel for the appellants that the learned court without considering the material facts and evidence and applying his judicial mind summoned the appellants in a routine manner. It is further submitted that the learned trial court has passed an order dated 29.7.2025 and have summoned the appellants under the provisions of the Schedule Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 by completely ignoring the fact that the appellants themselves are members of Schedule Caste. The trial court at the time of passing the impugned order has completely brushed aside the law as laid down by this Hon'ble Court as well as the Apex Court repeatedly in catena of judgments that the court at the stage of taking cognizance cannot add or subtract sections in as case which is based on police report. In his submissions, learned counsel for the appellants has relied upon the judgment of the Apex Court in the case of State of Gujarat Vs. Girish Radhakrishnan Varde (MANU/SC/1211/2013, held that the offences cannot be either

added or subtracted in the police report at the stage of taking cognizance.

4.Matter requires consideration.

5.Opposite parties may file their counter affidavits three four weeks. Rejoinder affidavit may be filed within one week thereafter.

6.Put up this case are fresh on 12.1.2026.

7.Till the next date of listing, no coercive action shall be taken against the appellants in the aforesaid case.

8.In the meantime learned A.G.A. as well as District Magistrate, Agra are directed to verify the caste Certificate of the appellants which has been filed in this appeal as annexure no. 1 to the affidavit.

December 15, 2025

A.

(Shekhar Kumar Yadav,J.)