2026:AHC:212777

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 1382 of 2026

Navneet Pathak

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s)	:	Rohit Shukla, Ramesh Chandra Agrahari
Counsel for Respondent(s)	:	Amrita Kashyap, G.A.

Court No. - 91

HON'BLE SANTOSH RAI, J.

1. Heard learned counsel for the appellant, learned counsel for opposite party no.2 and learned A.G.A. for the State and perused the record.

2. The present appeal has been filed under Section 14A(1) of S.C. & S.T. Act by the appellants challenging the chargesheet dated 28.10.2020 as well as cognizance/summoning order dated 28.08.2025 passed by Additional Sessions Judge/Special Judge S.C.& S.T. Act, Kushinagar at Padrauna in Special Sessions Trial No.48 of 2021 (State vs. Navneet Pathak) arising out of case crime No.328 of 2020, under Sections 323, 504, 506, 406 and 420 I.P.C. and Section 3(1)r, 3(1)s S.C. & S.T. Act, P.S. Kasaya, District Kushinagar

3. Tersely, the complainant, Shiv Prasad Gond, a mason by profession, filed an application under Section 156(3) Cr.P.C. against the accused appellant, Navneet Pathak, alleging that he had undertaken the construction of the appellant's house along with 12 labourers and three other masons and completed the work by April 2019. Upon settlement of accounts, an amount of Rs. 2,30,000/- was found due towards the complainant. The appellant initially assured him that the outstanding amount would be paid in the first week of May 2019. Subsequently, on 25.05.2019, the appellant issued a cheque for Rs. 1,00,000/- towards part payment and assured the complainant that the remaining amount would be paid later. However, the cheque was dishonoured due to insufficiency of funds in the appellant's bank account. It is further alleged that despite repeated demands, the appellant failed to pay the outstanding amount and continued to postpone payment. On 25.09.2019, at about 4:00 p.m., when the complainant met the appellant at Birla

Dharamshala, Kushinagar, and demanded payment of the outstanding amount, the appellant became annoyed, abused him by using casteist slurs referring to his caste, and threatened to kill him while displaying a revolver. When the complainant protested, the appellant allegedly pushed him down and assaulted him with kicks, fists and a stick in the presence of his son and another associate. The complainant sustained injuries and underwent a medical examination. The complainant further alleged that the appellant had dishonestly withheld the outstanding amount of Rs. 2,30,000/- and humiliated him on the basis of his caste. He stated that the incident was witnessed by Harikumar and Nitish Arya, son of Ramanand Arya.

4. Briefly, the grounds of the appeal are that the impugned cognizance/summoning order dated 28.08.2025 passed by Additional Sessions Judge/Special Judge S.C.& S.T. Act, Kushinagar at Padrauna is wholly illegal and not sustainable in the eyes of law. The impugned order is based on surmises and conjunctures as such same is liable to be quashed.

5. Learned counsel for the appellant submits that the impugned order dated 28.08.2025 is illegal, arbitrary and unsustainable in the eyes of law, as the same has been passed without proper appreciation of the facts and circumstances of the case. It is contended that the dispute between the parties primarily arises out of a financial transaction relating to the construction of the appellant's house and the alleged outstanding amount payable to the complainant. The cheque issued towards part payment was dishonoured due to insufficiency of funds; however, no complaint under Section 138 of the Negotiable Instruments Act is stated to have been filed. Learned counsel further submits that the appellant has no connection with the alleged place of occurrence and that the prosecution version is not corroborated by the witnesses stated to have been present at the Dharamshala. It is, therefore, contended that the allegations have been levelled on account of the existing monetary dispute and that the impugned order is based on surmises and conjectures and is liable to be set aside.

6. Per contra, learned counsel for opposite party no.2 and learned A.G.A. oppose the appeal and submit that the impugned order has been passed after due consideration of the material available on record. It is contended that the appellant is specifically named in the F.I.R. and that the allegations regarding assault and caste-based abuse are supported by the statements of

the injured and other prosecution witnesses. The medical examination conducted on 25.09.2019 also records four fresh injuries, thereby lending prima facie support to the allegation of assault. Learned counsel further submits that the existence of a monetary dispute between the parties does not absolve the appellant of criminal liability for the alleged acts of assault, intimidation and caste-based abuse. Accordingly, it is submitted that the impugned order suffers from no illegality or infirmity and that the appeal is liable to be dismissed.

7. The accused appellant is named in the First Information Report. The victim/informant is stated to be a contractor who constructed the house of the accused appellant. Upon settlement of accounts, an amount of Rs. 2,30,000/- was found due towards the complainant. The appellant initially assured him that the outstanding amount would be paid in the first week of May 2019. Subsequently, on 25.05.2019, the appellant issued a cheque for Rs. 1,00,000/- towards part payment and assured the complainant that the remaining amount would be paid later. However, the cheque was dishonoured due to insufficiency of funds in the appellant's bank account. Admittedly, no complaint under Section 138 of the Negotiable Instruments Act is stated to have been filed before the competent court. The dispute primarily arose out of the financial transaction relating to the construction of the building and the outstanding amount payable by the accused appellant. However, during the course of the dispute, the accused appellant allegedly assaulted the injured. In his statement recorded under Section 161 Cr.P.C., the injured attributed his injuries to the accused appellant. The injury report dated 25.09.2019 records four injuries, all of which were fresh in nature.

8. Learned counsel for the appellant submits that the appellant has no connection with the place of occurrence and that the witnesses present at the Dharamshala have not corroborated the prosecution version. From perusal of the record it appears that the statements of the injured/informant and other prosecution witnesses corroborate the allegations made in the First Information Report. The medical evidence also supports the prosecution version regarding the injuries sustained by the injured. Furthermore, a specific casteist slur is mentioned in the First Information Report, which is also corroborated by the statements of the injured and other witnesses. At the stage of taking cognizance/summoning, the Court is not required to meticulously examine the evidence or conduct a mini-trial. The Court is only

required to ascertain whether a prima facie case is made out against the accused. From perusal of the averments as stated in the F.I.R., medical evidence, statements of the injured and witnesses it appears that prima facie case is made out against the appellant. Learned trial court has rightly taken cognizance and summoned the appellant.

9. In view of the foregoing discussion, this Court finds that the allegations made in the F.I.R., the statements of the injured and other prosecution witnesses, and the medical evidence, taken together, prima facie disclose the commission of the alleged offences by the accused appellant. The existence of a financial dispute between the parties does not, by itself, render the allegations of assault and caste-based abuse false or negate the criminal liability arising therefrom. The contention that the witnesses present at the place of occurrence have not corroborated the prosecution version involves an appreciation of evidence, which cannot be undertaken in detail at this stage. The specific allegation of caste-based abuse, supported by the statements of the injured and other witnesses, also requires consideration during trial. The mere fact that no complaint under Section 138 of the Negotiable Instruments Act was filed does not, by itself, discredit the allegations relating to the other offences.

10. Consequently, this Court finds no illegality, perversity or infirmity in the impugned order dated 28.08.2025 passed by the learned Additional Sessions Judge/Special Judge, S.C./S.T. Act, Kushinagar at Padrauna, warranting interference by this Court. The appeal is, accordingly, **dismissed**. The impugned order is affirmed.

11. Learned counsel for the appellant submits that the appellant has not been enlarged on bail. The matter pertains to the years 2019.

12. In view of above submission, the appellant is directed to appear/surrender before the court concerned and move regular bail application, within two weeks from today. It is also made clear that no time extension application shall be moved before this Court by the appellant.

13. In case, the appellant moves bail application before the court concerned, the same shall be considered and decided by the trial court expeditiously and preferably on the same day, in light of principles laid down by the Supreme Court and by this Court regarding surrender and bail.

14. In case, the appellant fails to appear before the court concerned within the stipulated period, the trial court will be at liberty to adopt appropriate coercive proceedings, in accordance with law, for securing the presence of the appellant.

October 9, 2026
Asha

(Santosh Rai,J.)

Digitally signed by :-
ASHA
High Court of Judicature at Allahabad