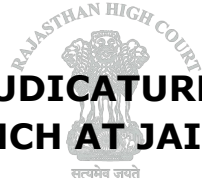




**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Criminal Miscellaneous (Petition) No. 2757/2024

Sandeep Kumar Arora S/o Shri Radhe Shyam Arora @ Ghanshyam Arora, Aged About 40 Years, Resident Of G-2, A9/661 Chitrakoot, Vaishali Nagar, Jaipur- 302021 (Rajasthan).

-----Petitioner

Versus

1. State Of Rajasthan, Through Public Prosecutor
2. Smt. Amita Arora W/o Shri Sandeep Kumar Arora D/o Late Shri Vedpal Bagdi, Resident Of Jasmin G-9, Manglam Ananda, Dada Gurudev Nagar, Dadabadi Road, Sanganer, Jaipur-302029 (Rajasthan), Present Address Flat No. 404, A-Block, Chordiya Utsav, Bharat Mata Circle, Police Station Mansarovar, Varun Path, Jaipur (Rajasthan).

-----Respondents

For Petitioner(s) : Ms. Ambika, Advocate.
For Respondent(s) : Mr. Jitendra Singh Rathore, Public Prosecutor assisted by Mr. Gaurav Gupta, Assistant Government Advocate.
For Complainant/Victim : Mr. Vikram Singh Nain, Advocate.

JUSTICE ANOOP KUMAR DHAND

Order

26/05/2026

1. By way of filing the instant petition, a challenge has been led to the impugned orders dated 11.08.2023 and 25.10.2023, passed by learned Special Judge (SC/ST Cases), Jaipur Metropolitan—II, Jaipur by which cognizance has been taken against the petitioner and thereafter, charges have been framed against him under Section 498A IPC and under Sections 3(1)(r)(s), 3(1)(u), 3(1)(2) of the SC/ST Act, 1989 (for short 'the Act of 1989').





2. At the outset, learned counsel appearing on behalf of the complainant-respondent has taken an objection that the instant petition is not maintainable, rather an appeal under Section 14A of the Act of 1989 is maintainable against the impugned orders. Hence, under this circumstance, the instant petition is liable to be rejected on this count alone.

3. Heard and considered the submissions made at Bar and perused the material available on the record.

4. Perusal of the record indicates that not only cognizance has been taken against the petitioners, but charges have also been framed against him under Section 498A IPC and under Sections 3(1)(r)(s), 3(1)(u), 3(1)(2) of the Act of 1989. The impugned orders are appealable under Section 14A of the Act of 1989. Section 14A of the Act of 1989 lays down the provisions of appeal and the same is reproduced hereunder:

"14A. Appeals.— (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), an appeal shall lie, from any judgment, sentence or order, not being an interlocutory order, of a Special Court or an Exclusive Special Court to the High Court both on facts and on law.

(2) Notwithstanding anything contained in subsection (3) of section 378 of the Code of Criminal Procedure, 1973 (2 of 1974), an appeal shall lie to the High Court against an order of the Special Court or the Exclusive Special Court granting or refusing bail.

(3) Notwithstanding anything contained in any other law for the time being in force, every appeal under this section shall be preferred within a period of ninety days from the date of the judgment, sentence or order appealed from:

Provided that the High Court may entertain an appeal after the expiry of the said period of





ninety days if it is satisfied that the appellant had sufficient cause for not preferring the appeal within the period of ninety days:

Provided further that no appeal shall be entertained after the expiry of the period of one hundred and eighty days.

(4) Every appeal preferred under sub-section (1) shall, as far as possible, be disposed of within a period of three months from the date of admission of the appeal."

5. Even the Apex Court in the case of **Dr. Anand Rai versus State of Madhya Pradesh and Anr.** reported in **2025 SCC OnLine Sc 187** has held that the order of framing of charge is not interlocutory order. Hence, appeal under Section 14-A of the Act of 1989 is maintainable. It is held as under in para nos. 7, 17, 18 and 19:

*"7. As such, let us look at the relevant provisions thereof- "3. Punishments for offences atrocities.—3 [(1) Whoever, not being a member of a Scheduled Caste or a Scheduled Tribe,— xxx-----
xxx-----xxx (2) Whoever, not being a member of a Scheduled Caste or a Scheduled Tribe,—
xxx-----
xxx-----xxx (v) commits any offence under the Indian Penal Code (45 of 1860) punishable with imprisonment for a term of ten years or more against a person or property 1 [knowing that such person is a member of a Scheduled Caste or a Scheduled Tribe or such property belongs to such member], shall be punishable with imprisonment for life and with fine; (va) commits any offence specified in the Schedule, against a person or property, knowing that such person is a member of a Scheduled Caste or a Scheduled Tribe or such property belongs to such member, shall be punishable with such punishment as specified under the Indian Penal Code (45 of 1860) for such offences and shall also be liable to fine;..."*

*.....
17. Even though Sanjay Kumar Rai v. State of U.P., holds that orders framing*





charge or refusing discharge are neither interlocutory nor final, an appeal thereagainst would fall under Section 14-A above, since the words used are "any judgment, sentence or order, not being an interlocutory order". An appeal under Section 14-A of the SCST Act is a statutory first appeal. It is well settled that a first appellate Court in criminal matters is a Court of both fact and law and is obliged to independently evaluate the material on record before either affirming or reversing the findings of the Courts below. This Court has consistently emphasised that such an appeal is a valuable right and that its disposal must reflect due application of mind. In *Bani Singh v. State of Uttar Pradesh*¹⁴, the Court held that the appellate Court cannot dispose of a criminal appeal in a cursory manner and must itself examine the evidence and the reasoning of the Trial Court. Similarly, in *Chandrappa v. State of Karnataka*¹⁵, this Court reiterated that the appellate Court has full power to reappreciate, reconsider, and review the evidence upon which the order of the lower court is founded and to arrive at its own conclusions.

18. This principle applies with equal force to appeals under Section 14-A of the SC/ST Act. The provision does not curtail or dilute the ordinary appellate powers of the High Court. Consequently, the High Court does not function as a revisional or supervisory Court while exercising jurisdiction under Section 14-A but assumes the role of a first appellate court. A mechanical affirmation of the order of the Special Court, without independent scrutiny, would therefore be inconsistent with settled appellate jurisprudence and would amount to a failure to exercise jurisdiction. Even where the appellate Court ultimately agrees with the reasoning of the Courts below, the judgment must disclose that the material was independently examined. However, the width of the appellate power under Section 14-A must be understood in the context of the nature of the order under challenge. The Supreme Court has repeatedly drawn a distinction between appellate scrutiny of final judgments and judicial intervention at threshold stages of criminal proceedings. Where an appeal arises from a conviction or acquittal, the appellate Court is entitled to undertake a comprehensive reappreciation of evidence and to reassess witness credibility. This flows from the settled





principle that the first appellate Court is the final Court of fact, subject of course to self-imposed restraint in appeals against acquittal.

19. A different discipline governs cases arising at the stage of discharge, framing of charge, or prima facie satisfaction. The Court has consistently held that at this stage the Court is not concerned with proof of guilt or the sufficiency of evidence for conviction. In *State of Bihar v. Ramesh Singh*¹⁶ and later in *Union of India v. Prafulla Kumar Samal*, the Court clarified that the test is whether the material on record, taken at face value, discloses the essential ingredients of the alleged offence and gives rise to a strong or grave suspicion against the accused. The Court is expressly cautioned against conducting a roving inquiry or weighing the evidence as if at trial. When these generally applicable principles are applied to an appeal under Section 14-A of the SC/ST Act arising from a threshold order, the High Court's role, though appellate in nature, stands circumscribed by the limits governing discharge. The High Court may examine whether the allegations disclose the basic statutory ingredients of the offence under the Act, including whether the alleged act was committed on account of the victim's caste and whether other foundational requirements are satisfied. Where these ingredients are conspicuously absent, interference is justified, as continuation of proceedings would amount to an abuse of the process of law. This form of scrutiny does not amount to appreciation of the material but is an exercise in legal evaluation of the allegations as they stand. At the same time, even while exercising first appellate jurisdiction, the High Court cannot, at the discharge or prima facie stage, adjudicate upon disputed questions of fact, assess the reliability of witnesses, or compare the prosecution case with the defence version. To do so would collapse the distinction between trial and threshold scrutiny and would result in a premature determination of guilt or innocence. The Supreme Court has repeatedly cautioned that defences available to the accused are matters for trial and cannot ordinarily form the basis for discharge unless the material relied upon is of sterling and unimpeachable character. Thus, the appellate power under Section 14-A of the SC/ST Act must be exercised in harmony with the broader





framework of criminal procedure. While the High Court is dutybound, as a first appellate Court, to independently apply its mind and correct errors committed by the Special Court, it must remain conscious of the stage of the proceedings and the corresponding limits of judicial scrutiny. This calibrated approach ensures that the protective object of the SC/ST Act is preserved, while simultaneously safeguarding against mechanical application of its provisions in cases where the statutory ingredients are not even prima facie disclosed."



6. A bare perusal of the aforesaid provisions contained under Section 14A of the Act of 1989 clearly indicates that an appeal shall lie from any judgment, sentence or order not being interlocutory order, passed by the Special Court to the High Court both on facts and on law.

7. This fact is not in dispute that the order of taking cognizance of offence and order of framing of charge are not interlocutory order and these orders are final in nature. Hence, appeal under Section 14A of the Act of 1989 is maintainable against the same.

8. It is a settled proposition of law that if a statute provides for filing an appeal, then a person cannot be allowed to bypass the jurisdiction of the appellate authority by way of filing a miscellaneous petition under Section 482 Cr.P.C.

9. On this count alone, the instant petition stands disposed of granting liberty to the petitioner to file statutory appeal under Section 14A of the Act of 1989.

10. In case, an application under Section 14 of the Limitation Act is submitted by the petitioner, the same shall be considered in accordance with law.



11. In view of the above, the instant petition stands disposed of. Stay application and all the pending applications, if any, also stand disposed of.

(ANOOP KUMAR DHAND),J

Tushar/80

