



2026:AHC:148707

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 7055 of 2026

Chandra Prakash Singh Alias Goli Thakur

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s)	:	Ajatshatru Singh, Prem Shankar
Counsel for Respondent(s)	:	G.A.

Court No. - 93

HON'BLE SANTOSH RAI, J.

1. As per the instructions received by learned AGA, notice has been served upon opposite party no.2.
2. Heard learned counsel for the appellant and learned AGA for the State.
3. The present criminal appeal has been filed by the appellant with a prayer to set aside the impugned order dated 24.6.2026 passed by Additional Sessions Judge/Special Judge, SC/ST Act, Hamirpur in Session Case No.237 of 2026 (State Vs. Chandra Prakash Singh Alias Goli Thakur), arising out of Case Crime No.77 of 2025, under Sections 352 B.N.S., 66 of I.T. Act and Section 3(1)Dha of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, P.S.- Sumerpur, District- Hamirpur, whereby the discharge application of the appellant/applicant has been rejected.
4. Learned counsel for the appellant submits that the FIR was lodged with an unexplained delay of about seven days and no specific casteist words have been mentioned therein. It is further contended that the allegations are vague and the essential ingredients of the offence under Section 3(1)Dha of the SC/ST Act are not made out. It is also argued that the trial court failed to properly appreciate the material on record and erroneously framed the charges despite the absence of sufficient prima facie evidence against the appellant. It is submitted that trial court has not perused the averments as mentioned in the discharge application and rejected the application on the basis of surmises and conjectures.
5. Learned A.G.A. opposes the appeal and submits that the appellant is

specifically named in the FIR and the investigation has collected sufficient prima facie material, including the Facebook post containing the objectionable statements. It is further submitted that the prosecution witnesses have specifically supported the allegations and, at the stage of framing of charge, the Court is only required to examine whether a prima facie case exists and not to conduct a mini-trial. Therefore, the impugned order is legal and calls for no interference.

6. The FIR has been lodged about seven days after the alleged incident, wherein the accused-appellant is specifically named. The case has been registered under Section 352 B.N.S., Section 66 of the Information Technology Act, and Section 3(1)Dha of the SC/ST Act. Although the FIR does not reproduce the specific casteist words allegedly used, it alleges that abusive remarks were made against Member of Parliament Chandrashekhar Azad. During the course of investigation, the Investigating Officer collected the Facebook post containing the alleged objectionable statements, and the relevant footage has been brought on record. A prima facie perusal of the material indicates that the impugned remarks were allegedly directed against a particular community belonging to the Scheduled Castes/Scheduled Tribes. The statements of prosecution witnesses, including Neeraj Kumar, Shobhendu Kumar and others, also support the prosecution case, and in their statements the specific abusive words have been mentioned.

7. At the stage of summoning or framing of charge, the Court is only required to examine whether a prima facie case is made out and is not expected to conduct a mini-trial or meticulously appreciate the evidence. The Hon'ble Supreme Court has consistently held that a charge can be framed even on the basis of a strong suspicion against the accused. Therefore, considering the material available on record, no illegality or perversity is found in the order impugned warranting interference.

8. At the stage of consideration of discharge or framing of charge, the Court is required to evaluate the material placed on record by the prosecution, if the material available on record is strong regarding the commission of the offence by the accused, the charge is liable to be framed.

9. In **Sheoraj Singh Ahlawat and Others vs. State of Uttar Pradesh and**

Another, (2013) 11 SCC 476, the Hon'ble Supreme Court held as under:-

..... While framing charges, court is required to evaluate materials and documents on record to decide whether facts emerging therefrom taken at their face value would disclose existence of ingredients constituting the alleged offence. At this stage, the court is not required to go deep into the probative value of materials on record. It needs to evaluate whether there is a ground for presuming that accused had committed offence. But it should not evaluate sufficiency of evidence to convict accused. Even if there is a grave suspicion against the accused and it is not properly explained or court feels that accused might have committed offence, then framing of charges against the accused is justified. It is only for conviction of accused that materials must indicate that accused had committed offence but for framing of charges if materials indicate that accused might have committed offence, then framing of charge is proper. Materials brought on by prosecution must be believed to be true and their probative value cannot be decided at this stage. The accused entitled to urge his contentions only on materials submitted by prosecution. He is not entitled to produce any material at this stage and the court is not required to consider any such material, if submitted. Whether the prima facie case made out depends upon facts and circumstances of each case. If two views are possible and materials indicate mere suspicion, not being grave suspicion, against accused then he may be discharged. The court has to consider broad probabilities of case, total effect of evidence and documents produced before it. The court should not act as mouthpiece of prosecution and it is impermissible to have roving enquiry at the stage of framing of charge."

10. In **Rajbir Singh v. State of U.P. and Another, (2006) 4 SCC 51**, the Hon'ble Supreme Court held, by quoting the decision in *State of Bihar vs. Ramesh Singh, (1977) SCC (Cri) 533*, as under:

"Reading [Ss. 227 and 228] together in juxtaposition, as they have got to be, it would be clear that at the beginning and the initial stage of the trial the truth, veracity and effect of the evidence which the prosecutor proposes to adduce are not to be meticulously judged. Nor is any weight to be attached to the probable defence of the accused. It is not obligatory for the judge at that stage of the trial to consider in any detail and weigh in a sensitive balance whether the facts, if proved, would be incompatible with the innocence of the accused or not. The standard of test and judgment which is to be finally applied before recording a finding regarding the guilt

or otherwise of the accused is not exactly to be applied at the stage of deciding the matter under Section 227 or Section 228 of the Code. At that stage the Court is not to see whether there is sufficient ground for conviction of the accused or whether the trial is sure to end in his conviction. Strong suspicion against the accused, if the matter remains in the region of suspicion, cannot take the place of proof of his guilt at the conclusion of the trial. But at the initial stage if there is a strong suspicion which leads the Court to think that there is ground for presuming that the accused has committed an offence then it is not open to the Court to say that there is no sufficient ground for proceeding against the accused. If the evidence which the prosecutor proposes to adduce to prove the guilt of the accused even if fully accepted before it is challenged in cross-examination or rebutted by the defence evidence, if any, cannot show that the accused committed the offence, then there will be no sufficient ground for proceeding with the trial."

11. In Ghulam Hassan Beigh v. Mohammad Maqbool Magrey and Others, (2022) 12 SCC 657, the Apex Court held as under:-

"21. This Court in Union of India v. Prafulla Kumar Samal, (1979) 3 SCC 4, considered the scope of enquiry a Judge is required to make while considering the question of framing of charges. After an exhaustive survey of the case law on the point, this Court, in para 10 of the judgment, laid down the following principles:

"10. ... (1) That the Judge while considering the question of framing the charges under Section 227 of the Code has the undoubted power to sift and weigh the evidence for the limited purpose of finding out whether or not a prima facie case against the accused has been made out.

(2) Where the materials placed before the Court disclose grave suspicion against the accused which has not been properly explained the Court will be fully justified in framing a charge and proceeding with the trial.

(3) The test to determine a prima facie case would naturally depend upon the facts of each case and it is difficult to lay down a rule of universal application. By and large however if two views are equally possible and the Judge is satisfied that the evidence produced before him while giving rise to some suspicion but not grave suspicion against the accused, he will be fully within his right to discharge the accused.

(4) That in exercising his jurisdiction under Section 227 of the Code the Judge which under the present Code is a senior and experienced Judge cannot act merely as a post office or a mouthpiece of the prosecution, but has to consider the broad probabilities of the case, the total effect of the evidence and the documents produced before the Court, any basic infirmities appearing in the case and so on. This however does not mean that the Judge should make a roving enquiry into the pros and cons of the matter and weigh the evidence as if he was conducting a trial."

23. In *Sajjan Kumar v. CBI*, (2010) 9 SCC 368, this Court had an occasion to consider the scope of Sections 227 and 228 CrPC. The principles which emerged therefrom have been taken note of in para 21 as under:

"21. On consideration of the authorities about the scope of Sections 227 and 228 of the Code, the following principles emerge:

(i) The Judge while considering the question of framing the charges under Section 227 CrPC has the undoubted power to sift and weigh the evidence for the limited purpose of finding out whether or not a prima facie case against the accused has been

made out. The test to determine prima facie case would depend upon the facts of each case.

(ii) Where the materials placed before the court disclose grave suspicion against the accused which has not been properly explained, the court will be fully justified in framing a charge and proceeding with the trial.

(iii) The court cannot act merely as a post office or a mouthpiece of the prosecution but has to consider the broad probabilities of the case, the total effect of the evidence and the documents produced before the court, any basic infirmities, etc. However, at this stage, there cannot be a roving enquiry into the pros and cons of the matter and weigh the evidence as if he was conducting a trial.

(iv) If on the basis of the material on record, the court could form an opinion that the accused might have committed offence, it can frame the charge, though for conviction the conclusion is required to be proved beyond reasonable doubt that the accused has committed the offence.

(v) At the time of framing of the charges, the probative value of the material on record cannot be gone into but before framing a charge the court must apply its judicial mind on the material placed on record and must be satisfied that the commission of offence by the accused was possible.

(vi) At the stage of Sections 227 and 228, the court is required to evaluate the material and documents on record with a view to find out if the facts emerging therefrom taken at their face value disclose the existence of all the ingredients constituting the alleged offence. For this limited

purpose, sift the evidence as it cannot be expected even at that initial stage to accept all that the prosecution states as gospel truth even if it is opposed to common sense or the broad probabilities of the case.

(vii) If two views are possible and one of them gives rise to suspicion only, as distinguished from grave suspicion, the trial Judge will be empowered to discharge the accused and at this stage, he is not to see whether the trial will end in conviction or acquittal."

12. Thus, having considered the entire facts and circumstances of the case, the material and evidence available on record, the submissions advanced by the learned counsel for the parties and the law laid down by the Hon'ble Supreme Court as discussed herein above, I am of the considered opinion that the learned trial court has rightly rejected the discharge application of the appellant. The impugned order is well reasoned and does not suffer from any illegality, perversity or infirmity warranting interference by this Court.

13. Accordingly, the present appeal stands **dismissed**.

14. Registrar (Compliance) is directed to serve a copy of this order by FAX/e-mail to the court concerned through District & Sessions Judge concerned within one week.

(Santosh Rai,J.)

July 21, 2026
RA