

# Kanaklata Gautam vs State Of U.P. And 4 Others on 3 March, 2025

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:29858

Court No. - 81

Case :- CRIMINAL REVISION No. - 2510 of 2024

Revisionist :- Kanaklata Gautam

Opposite Party :- State Of U.P. And 4 Others

Counsel for Revisionist :- Anita Singh,Dinesh Kumar Misra

Counsel for Opposite Party :- G.A.

Hon'ble Manjive Shukla,J.

1. Heard Ms. Anita Singh, learned counsel appearing for the revisionist and learned Additional Government Advocate appearing for the State.
2. This Court vide order dated 12.12.2024 had issued notice to Opposite Parties No. 2 to 5. The notice had already been served on Opposite Parties No. 2 to 5 but no one is present before this Court on their behalf.
3. The instant criminal revision has been filed challenging therein, the order dated 6.2.2024 passed by the learned Additional Sessions Judge/Special Judge (P.O.C.S.O. Act), Jaunpur in Complaint Case No. 15 of 2023 (Kanaklata vs. Satyam & Anr.) whereby, the accused Satyam Yadav had been summoned to face trial under Sections 354, 323 I.P.C. and Section 7/8 of the Protection of Children from Sexual Offences Act, 2012.

4. It has been contended on behalf of the revisionist that the complainant, while giving her statement under Section 200 Cr.P.C., has categorically stated that Umashankar had used abusive language in respect of the caste of the complainant. It has further been contended that though the allegation of use of abusive language on the basis of the caste is present in the statement recorded under Section 200 Cr.P.C. but the trial court has not framed any charge under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

5. It has been argued on behalf of the revisionist that once there is specific allegation in respect of the use of the abusive language on the basis of the caste of the complainant, the trial court, while summoning accused Satyam Yadav only in respect of the offences punishable under Sections 354, 323 I.P.C. and Section 7/8 of the Protection of Children from Sexual Offences Act, 2012 had committed manifest error of law.

6. On the other hand, learned Additional Government Advocate appearing for the State has submitted that though the complainant in her statement recorded under Section 200 Cr.P.C. had said that Umashankar had abused her on the basis of her caste but in the statements of the witnesses recorded under Section 202 Cr.P.C. the said allegation is completely absent.

7. Learned Additional Government Advocate appearing for the State has further submitted that it is well settled proposition of law that in the matters of complaint case, the trial court, while summoning the accused, has to apply its mind over the statement recorded under Section 200 Cr.P.C. as well as the statements of the witnesses recorded under Section 202 Cr.P.C., and since in the statements recorded under Section 202 Cr.P.C., there is no such allegation that the complainant in any manner has abused on the basis of caste of the complainant, the trial court, while summoning Satyam Yadav only for the offences punishable under Sections 354, 323 I.P.C. and Section 7/8 of the Protection of Children from Sexual Offences Act, 2012, has not committed any manifest error of law.

8. I have considered the arguments advanced by the learned counsels appearing for the parties and have perused the documents annexed with this revision.

9. This Court finds that the trial court, in the impugned order dated 6.2.2024, had considered the statement of the complainant recorded under Section 200 Cr.P.C. and the statements of the witnesses recorded under Section 202 Cr.P.C. and thereby had recorded its satisfaction that Umashankar has not used any abusive language on the basis of the caste of the complainant and therefore the trial court had proceeded to summon the accused Satyam Yadav only for the offences punishable under Sections 354, 323 I.P.C. and Section 7/8 of the Protection of Children from Sexual Offences Act, 2012. For ready reference the finding recorded by the trial court, in the impugned order dated 6.2.2024, is extracted as under :

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10. From the aforesaid finding, it is apparent on the face of record, that the witnesses in their statements recorded under Section 202 Cr.P.C. have not supported the version of the complainant given in her statement recorded under Section 200 Cr.P.C. and in the statements recorded under Section 202 Cr.P.C., there is no allegation that Umashankar in any manner abused the complainant by using her caste.

11. In view of the aforesaid reasons, I do not find either any illegality or any infirmity in the impugned order dated 6.2.2024.

12. Accordingly, this revision lacks merit and is hereby dismissed.

Order Date :- 3.3.2025 Gaurav