

**Court No. - 28**

**Case :-** CRIMINAL APPEAL No. - 1358 of 2023

**Appellant :-** Uma Prakash And Others

**Respondent :-** State Of U.P. Thru. Secy. Home Deptt., Lko.  
And Another

**Counsel for Appellant :-** Amit Kumar

**Counsel for Respondent :-** G.A., Ashutosh Kumar Singh, Surya  
Prakash

**Hon'ble Shree Prakash Singh, J.**

Heard learned counsel for the appellants and Sri Aniruddh Kumar Singh, learned A.G.A.-I for the State as well as perused the record.

The instant appeal has been filed for setting aside the impugned summoning order dated 17.11.2021 passed by second Additional Sessions Judge/Special Judge, SC/ST Act, Kheri in Complaint Case No.55 of 2020 under Sections 323, 506 I.P.C. and 3(2) 5-A of SC/ST Act, Police Station Isa Nagar, District Kheri (styled as Sanjai Kumar Vs. Uma Prakash and others).

Learned counsel for the appellants submits that the appellants are innocent and they have been falsely implicated in the present case with false and frivolous allegations. The appellants have not committed alleged offence.

On the other hand, learned AGA has submitted that prima facie, the offence is made out against the appellants. It is further submitted that these are disputed questions of fact, which can be adjudicated only after adducing the evidence. He further controverts the submissions of learned counsel for the appellants on the ground that this is not a stage where minute and meticulous exercise with regard to the appreciation of evidence may be done and truthfulness of the allegations could only be tested in a criminal trial and, therefore, the appeal is misconceived and liable to be dismissed.

At this stage, learned counsel for the appellants submits that they do not want to press the appeal and seek liberty to file bail application before the learned trial court which may be decided in view of law laid by Hon'ble Supreme Court in the case of **Satender Kumar Antil Vs. Central Bureau of Investigation and another, (2022) 10 SCC 51.**

Learned A.G.A. has no objection to the prayer made by learned counsel for the appellants.

On due consideration to the submissions of learned counsel for the parties, it is provided that in case, the appellants appear before the trial court within two weeks from today and file bail application, the same shall be decided expeditiously in view of law laid down in the case of Satender Kumar Antil versus Central Bureau of Investigation and another (**supra**).

Further, the appellants will have an opportunity at the appropriate stage to move application for discharge taking therein all the pleas factual and legal which may be available to them, in accordance with law. In case, such an application is moved before the trial court, trial the court shall dispose of the same by a speaking and reasoned order strictly, in accordance with law.

The appeal is **disposed off** accordingly.

**Order Date :- 31.5.2023**

Ram Murti