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(2026) 7 Supreme Court Cases 461

(BEFORE SANJAY KAROL AND N. KOTISWAR SINGH, JJ.)

2J

DR ANAND RAI . . Appellant;

Versus

STATE OF MADHYA PRADESH AND ANOTHER . . Respondents.

Criminal Appeal No. 814 of 2026†, decided on February 10, 2026

A. **SCs, STs, OBCs and Minorities — Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 — Ss. 3(2)(v), 3(2)(v-a) and 14-A — Discharge — Doubt regarding requisite knowledge on part of the alleged offender and absence of averment whatsoever that the complainant was a member of the SC/ST Community, as factors**

— Trial court itself acknowledged that none of the statements under S. 161 CrPC, state the specific slurs uttered by the accused with the intent to insult, threaten or kill — In such a situation, the trial court, held, could not have concluded that alleged acts of the accused were informed by caste awareness — No other material brought on the record, to establish knowledge on part of the accused — Held, once the knowledge on part of the alleged offender is in question, it is but certain that the charge cannot stand

— Further, while passing the impugned judgment/order, the High Court did not deal at all with the charge under the SC/ST Act — High Court merely stated that the trial court "*assigned elaborate reasons*" — However, those reasons also found lacking and insufficient

— On facts, the apparent evidence on record, held, in no way sufficient for a facial analysis of the case, or for a "*prima facie*" view to be taken — Further, it held also not enough to distinguish suspicion from grave suspicion, insofar as the knowledge is concerned that would inform the accused's alleged misdeeds

— Further, there found no averment whatsoever that the complainant was a member of the SC/ST Community — Held, when the complaint, and the subsequent statements under S. 161 CrPC, both, appear to be lacking in averments for caste motivated acts allegations, one where intent is absent and the other where knowledge is apparently present, seems difficult to accept

— Further, the appellate power under S. 14-A, held, must be exercised in harmony with the broader framework of criminal procedure — Held, while the High Court is duty-bound, 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, held, ensures that the protective object of the SC/ST Act is preserved, while simultaneously safeguarding

† Arising out of SLP (Crl.) No. 10711 of 2025. Arising from the Final Judgment and Order in *Anand Rai* v. *State of M.P.*, 2025 SCC OnLine MP 10644 (Madhya Pradesh High Court, Indore Bench, Criminal Appeal No. 3945 of 2025, dt. 3-7-2025) **[Partly reversed]**

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against mechanical application of its provisions in cases where the statutory ingredients are not even prima facie disclosed

— Resultantly, the charges upon the accused under the SC/ST Act directed to be quashed — Matter remitted back to the trial court to proceed in accordance with law regarding the other changes framed against the accused — Penal Code, 1860 — Ss. 147, 323, 326, 332, 333, 341, 352, 353 and 427 r/w S. 149 — Criminal Procedure Code, 1973, Ss. 227 and 228 (Paras 29 to 32, 46 and 47)

Anand Rai v. *State of M.P.*, 2025 SCC OnLine MP 10644, *partly reversed*

Anand Rai v. *State of M.P.*, 2023 SCC OnLine SC 2573; *State of Bihar* v. *Anil Kumar*, (2017) 14 SCC 304 : (2017) 4 SCC (Cri) 849; *Vinay Tyagi* v. *Irshad Ali*, (2013) 5 SCC 762 : (2013) 4 SCC (Cri) 557; *Ram Prakash Chadha* v. *State of U.P.*, (2024) 10 SCC 651 : (2025) 1 SCC (Cri) 253; *State of Maharashtra* v. *Kashirao*, (2003) 10 SCC 434 : 2004 SCC (Cri) 801; *Amit Kapoor* v. *Ramesh Chander*, (2012) 9 SCC 460 : (2012) 4 SCC (Civ) 687 : (2013) 1 SCC (Cri) 986, *referred to*

B. **SCs, STs, OBCs and Minorities — Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 — S. 14-A — Appeal challenging orders framing charge or refusing discharge — When falls under S. 14-A — Held, orders framing charge or refusing discharge are neither interlocutory nor final, an appeal thereagainst would fall under S. 14-A, since the words used are "*any judgment, sentence or order, not being an interlocutory order*"** **(Para 34)**

Sanjay Kumar Rai v. *State of U.P.*, (2022) 15 SCC 720, *followed*

C. **SCs, STs, OBCs and Minorities — Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 — S. 14-A — Appeal against partial order of discharge — Duty of the High Court as the first court of appeal — Orders framing charge or refusing discharge, held, neither interlocutory nor final — Therefore, an appeal against such orders, held, would fall under S. 14-A, since the words used are "*any judgment, sentence or order, not being an interlocutory order*" — Further, an appeal under S. 14-A held a statutory first appeal and a first appellate court in criminal matters, held, a court of both fact and law — Hence held, it was obliged to independently evaluate the material on record before either affirming or reversing the findings of the courts below**

— Such an appeal being a valuable right, its disposal, held, must reflect due application of mind — Further, the appellate court, held, cannot dispose of a criminal appeal in a cursory manner and must itself examine the evidence and the reasoning of the trial court — Further, the appellate court, held, fully empowered to reappreciate, reconsider, and review the evidence upon which the order of the lower court is founded and to arrive at its own conclusions

— Further, S. 14-A, held, does not curtail or dilute the ordinary appellate powers of the High Court — Consequently, the High Court, held, does not function as a revisional or supervisory court while exercising jurisdiction under S. 14-A but assumes the role of a first appellate court

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— Further, a mechanical affirmation of the order of the Special Court, without independent scrutiny, held, would 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, held, must disclose that the material was independently examined — Criminal Procedure Code, 1973 — Ss. 227 and 228 — Nagarik Suraksha Sanhita, 2023, Ss. 250(2) and 251 (Paras 34 to 39)

Sanjay Kumar Rai v. *State of U.P.*, (2022) 15 SCC 720; *Bani Singh* v. *State of U.P.*, (1996) 4 SCC 720 : 1996 SCC (Cri) 848; *Chandrappa* v. *State of Karnataka*, (2007) 4 SCC 415 : (2007) 2 SCC (Cri) 325, *followed*

D. **SCs, STs, OBCs and Minorities — Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 — S. 14-A — Appellate powers under — Scope of — Held, the width of the appellate power under S. 14-A must be understood in the context of the nature of the order under challenge — There is a distinction between appellate scrutiny of final judgments and judicial intervention at threshold stages of criminal proceedings**

— Held, where an appeal arises from a conviction or acquittal, the appellate court is entitled to undertake a comprehensive reappreciation of evidence and to reassess credibility of witness(es) — This, held, 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

— A different discipline, held, governs cases arising at the stage of discharge, framing of charge, or *prima facie* satisfaction — At this stage the Court, held, not concerned with proof of guilt or the sufficiency of evidence for conviction — Requisite test, held, 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 — Further, the court be 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 S. 14-A arising from a threshold order, the High Court's role, though appellate in nature, held, stands circumscribed by the limits governing discharge — High Court, held, 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' caste and whether other foundational requirements are satisfied — Where these ingredients are conspicuously absent, interference, held, is justified, as continuation of proceedings would amount to an abuse of the process of law — This form of scrutiny, held, does not amount to appreciation of the material but an exercise in legal evaluation of the allegations as they stand — Criminal Procedure Code, 1973 — Ss. 227 and 228 — Nagarik Suraksha Sanhita, 2023, Ss. 250(2) and 251 (Paras 40 to 44)

State of Bihar v. *Ramesh Singh*, (1977) 4 SCC 39 : 1977 SCC (Cri) 533; *Union of India* v. *Prafulla Kumar Samal*, (1979) 3 SCC 4 : 1979 SCC (Cri) 609, *relied on*

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E. **SCs, STs, OBCs and Minorities — Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 — S. 14-A — Scope of first appellate jurisdiction at the discharge or prima facie stage — Held, 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, held, would collapse the distinction between trial and threshold scrutiny and would result in a premature determination of guilt or innocence**

— Further, defences available to the accused, held, are matters for trial and cannot ordinarily form the basis for discharge unless the material relied upon is of sterling and unimpeachable character — Criminal Procedure Code, 1973 — Ss. 227 and 228 — Nagarik Suraksha Sanhita, 2023, Ss. 250(2) and 251 (Para 47)

F. **Criminal Procedure Code, 1973 — Ss. 227 and 228 — Discharge or framing of charge — Duty of Court — Held, at the stage of framing of charge or considering discharge, the Court is not dealing with an abstract legal exercise — It held dealing with real people, real anxieties, and the real weight of criminal prosecution**

— Therefore, judicial responsibility at this stage, held, calls for care, balance, and an honest engagement with the facts on record — Power to frame a charge, held, is not meant to be exercised by default or out of caution alone — When the material placed before the Court, taken at face value, does not disclose the ingredients of an offence, the law expects the Court to have the clarity and courage to say so and to keep such a case aside — Nagarik Suraksha Sanhita, 2023, Ss. 250(2) and 251 (Paras 48 to 50)

G. **Criminal Procedure Code, 1973 — Ss. 227 and 228 — Discharge and framing of charge — Nature of statutory text of the CrPC and the BNSS and relevant consideration at the stages of discharge and framing of charge — On a close reading of the statutory text of the CrPC and the BNSS, the position, held, is one of continuity rather than change in relation to the Court's power at the stages of discharge and framing of charge — In both enactments, the governing standards are framed in materially the same language**

— At the stage of discharge, the Court, held, is required to consider whether there is any sufficient ground for proceeding against the accused in sessions cases, or whether the charge is groundless in Magistrate warrant cases — At the subsequent stage, charges, held, to be framed only if the Court forms an opinion that there is a ground for presuming that the accused has committed an offence

— Held, these formulations, which have long anchored the exercise of judicial discretion under the CrPC, are carried forward in substance in the corresponding provisions of the BNSS, without any textual indication that the level of scrutiny is intended to be either heightened or diluted — Further held, Court's obligation to apply its mind to the record, to hear both sides, and to record reasons where discharge is ordered remains exactly as before, as does the caution against weighing evidence or conducting a mini trial at

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these preliminary stages — Nagarik Suraksha Sanhita, 2023, Ss. 250(2) and 251 (Paras 22, 23, 24 and 25)

Held :

Accordingly, the established jurisprudence developed under the CrPC on the scope and limits of consideration at the stages of discharge and framing of charge continues to hold the field under the BNSS. The statutory language supports the conclusion that the legislature has retained the same substantive balance between the rights of the accused and the interest of prosecution, while seeking to impose greater procedural discipline and expedition. In substance, the power remains the same; only the manner of its exercise has been more tightly structured. (Para 25)

H. **SCs, STs, OBCs and Minorities — Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 — Ss. 3(1)(r), 3(1)(s) and 3(2)(v-a) — Applicability of provisions — Requisite ingredients that need to be present on the record, stated (Para 17)**

I. **SCs, STs, OBCs and Minorities — Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 — S. 3(2)(v-a) — Scope under — S. 3(2)(v-a), held, deals with specific atrocities listed in the Schedule of the Act, including forced labour, harassment, social exclusion, or damage to property that target SC or ST persons (Para 18)**

J. **SCs, STs, OBCs and Minorities — Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 — S. 3(2)(v-a) — Liability under — Requisite ingredients that need to be proved before the Court, stated**

Held :

To attract liability under S. 3(2)(v-a), the accused must commit one of the scheduled offences against a member of a Scheduled Caste or Scheduled Tribe or their property. The offender must know the caste identity of the victim or that the property belongs to them, ensuring that the law applies to deliberate acts of caste-based harm. The punishment for these offences is as specified under the Penal Code, 1860 along with an additional fine, providing flexibility to address a range of atrocities that may not carry ten years or more of imprisonment but still require special protection for the victim. (Para 18)

K. **Nagarik Suraksha Sanhita, 2023 — Ss. 250(2) and 251 — Changes brought under these provisions — Nature and objective — Held, the new statute introduces express timelines for the filing of discharge applications and for the framing of charges, and it expressly recognises the possibility of the accused being heard or examined through electronic means — These changes, held, regulatory in nature and aimed at structuring the process and reducing delay, not at transforming the judicial task itself (Para 24)**

L. **Criminal Procedure Code, 1973 — Ss. 227 and 228 — Discharge and framing of charge — Relevant principles need to be kept in mind, reiterated — Nagarik Suraksha Sanhita, 2023, Ss. 250(2) and 251 (Para 26)**

Sajjan Kumar v. *CBI*, (2010) 9 SCC 368 : (2010) 3 SCC (Cri) 1371; *Ghulam Hassan Beigh* v. *Mohd. Maqbool Magrey*, (2022) 12 SCC 657 : (2024) 1 SCC (Cri) 589, *followed*

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M. **SCs, STs, OBCs and Minorities — Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 — Statement of Objects and Reasons — Objective of Act — Is in the form of a special legislation, enacted to check and deter crimes against Scheduled Castes and Scheduled Tribes committed by non-Scheduled Castes and non-Scheduled Tribes — At its core, the Act embodies the principle of equality before the law, as enshrined in Art. 14 — Further, the Act also reinforces the constitutional mandate under Art. 17, which prescribed abolishment of untouchability**

— Furthermore, the Act, also embodies Art. 15's prohibition against discrimination, ensuring that SC/ST persons can access education, employment and civic life without fear of prejudice — It also safeguards the right to life and dignity under Art. 21, recognizing that life is not merely about survival, but about living with respect, security, and freedom from humiliation — Finally, the Act, advances the broader goals of social justice and positive discrimination, reflected in Arts. 38 and 46 — Others objective of Act, stated — Constitution of India, Arts. 14, 15, 17, 21, 38 and 46 (Paras 10 to 15)

State of M.P. v. *Ram Kishna Balothia*, (1995) 3 SCC 221 : 1995 SCC (Cri) 439, *followed*

SK-D/73150/RC

Advocates who appeared in this case :

Sumeer Sodhi (Advocate-on-Record), Varun Tankha, Harshit Bari, Inder Dev Singh, Vipul Tiwari, Ms Divyani Deepti, Ms Divya Goyal and Chaitanya Sharma, Advocates, for the Appellant;

Pashupathi Nath Razdan (Advocate-on-Record), Abhinav Srivastav, Ms Maitreyee Jagat Joshi, Astik Gupta and Ms Akanksha Tomar, Advocates, for the Respondents.

Chronological list of cases cited ***on page(s)***

1. 2025 SCC OnLine MP 10644, *Anand Rai* v. *State of M.P.* **(partly reversed)** 467*a*, 467*a-b*, 468*d-e*, 468*e-f*, 470*a*, 478*a*
2. (2024) 10 SCC 651 : (2025) 1 SCC (Cri) 253, *Ram Prakash Chadha* v. *State of U.P.* 469*b-c*
3. 2023 SCC OnLine SC 2573, *Anand Rai* v. *State of M.P.* 468*d-e*
4. (2022) 15 SCC 720, *Sanjay Kumar Rai* v. *State of U.P.* 479*a*
5. (2022) 12 SCC 657 : (2024) 1 SCC (Cri) 589, *Ghulam Hassan Beigh* v. *Mohd. Maqbool Magrey* 476*a*
6. (2017) 14 SCC 304 : (2017) 4 SCC (Cri) 849, *State of Bihar* v. *Anil Kumar* 469*a*
7. (2013) 5 SCC 762 : (2013) 4 SCC (Cri) 557, *Vinay Tyagi* v. *Irshad Ali* 469*b-c*, 470*b*
8. (2012) 9 SCC 460 : (2012) 4 SCC (Civ) 687 : (2013) 1 SCC (Cri) 986, *Amit Kapoor* v. *Ramesh Chander* 470*b*
9. (2010) 9 SCC 368 : (2010) 3 SCC (Cri) 1371, *Sajjan Kumar* v. *CBI* 476*a*
10. (2007) 4 SCC 415 : (2007) 2 SCC (Cri) 325, *Chandrappa* v. *State of Karnataka* 479*c*
11. (2003) 10 SCC 434 : 2004 SCC (Cri) 801, *State of Maharashtra* v. *Kashirao* 469*e-f*
12. (1996) 4 SCC 720 : 1996 SCC (Cri) 848, *Bani Singh* v. *State of U.P.* 479*b-c*
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14. (1979) 3 SCC 4 : 1979 SCC (Cri) 609, *Union of India* v. *Prafulla Kumar Samal* 480*a*
15. (1977) 4 SCC 39 : 1977 SCC (Cri) 533, *State of Bihar* v. *Ramesh Singh* 480*a*

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The Judgment of the Court was delivered by

SANJAY KAROL, J.— Leave granted. This appeal at the instance of the accused calls into question the correctness of the final judgment and order in *Anand Rai* v. *State of M.P.*[1], dated 3-7-2025 by the High Court of Madhya Pradesh at Indore. In terms of the impugned judgment[1], the High Court dismissed the accused's appeal arising out of the proceedings before the learned Special Judge (hereinafter referred to as "the trial court"), Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as "the SC/ST Act") whereby his prayer for discharge under Section 227[2] of the Criminal Procedure Code, 1973 (hereinafter referred to as "CrPC"), was allowed only in part.

2. The charge-sheet that was filed upon completion of the investigation in FIR No. 0653 of 2022 dated 15-11-2022 registered at PS Bilpank, District Ratlam. The said charge-sheet, being Charge-Sheet No. 1 of 2023 dated 16-2-2023, sent the matter up for trial against the accused on charges under Sections 294, 341, 383, 332, 146, 147, 336, 506, 333, 188, 326 of the Penal Code, 1860 (hereinafter referred to as "IPC") and Sections 3(1)(*r*), 3(2)(*v-a*) of the SC/ST Act as amended in 2015 and 2018, whereas charges were framed against him under the following Sections 147, 341, 427, 353, 332, 333, 326, 323, 352 read with Section 149 IPC and Sections 3(2)(*v*), 3(2)(*v-a*) of the SC/ST Act.

3. The facts that culminated in the position as above were that on 15-11-2022 while a large congregation of persons had gathered at Bachhadapara, to witness the unveiling and installation of a statue of *Bhagwan Birsa Munda* — the complainant, namely, Vikas, had witnessed members of JAYS organisation intercept the vehicles of the Members of Parliament and Legislative Assembly, as also other district officials, who were arriving at the event, and when they were attempted to be removed by the security, the said persons initiated an altercation and scuffle with them along with pelting stones at the vehicles. One security personnel, namely, Sandeep Chandel suffered injuries as a result.

4. In the FIR, the persons involved were described as follows:

> "….due to snatching and pelting of stone by these persons Gunman of Collector sir has suffered injuries near his nose and due to that injury blood oozed out. These persons were not ready to understand anybody's advice and these were misbehaving with police personnel and were causing hurdle in government work and they were speaking irrelevant things and extending threats of life. Then me and other police personnel present there have made a video of all these persons. Out of these persons I know and identify D. Abhay Ohari, resident of Ratlam, D. Anand Rai, resident of Ratlam, Kamal Bhuriya, resident of Dharad, Manoj Parmar, resident of Dharad, Kishan Sighad, resident of Amleti, Dilip Bhuria, resident of Dharad, Anil

1 2025 SCC OnLine MP 10644
2 SC ATR No. 28 of 2023

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Ninama, resident of Satrunda, Sanjay Girwal, resident of Bhati Badodiya, Ajay, son of Kailash Bheel, resident of Dharad, Vijay, son of Shambhu Lal Bhuria, resident of Nalkui, Chhagan Lal, son of Choga Lal Meena, resident of Patrakar Colony Jawra, Mohan Singh, son of Mann Singh Dewda, resident of Lambi Sadadi Rani Singh Vilesh Kharadi, resident of Lambi Sadadi Baazna, Gopal Waghel, resident of Nagra, Gopal Ninama, resident of Kundal, Deepak Ninama, resident of Vinobha Nagar, Ratlam, Chhotu Bhabhar, resident of Jamthun, Jitendra Katariya, resident of Surajpur and Kalu Baarot, resident of Shubham Shri Colony Ratlam, 40-50 more persons were also accompanying them. These persons have jammed the road for about 01 hours …"

5. It is also important to note the role of these persons as described in the charge-sheet, which, obviously, is a document that signals the completion of the investigation. It essentially is a recapitulation of the statement of the complainant, and it records that during the investigation statement of the complainant and witnesses was recorded and after which the accused persons were separately interrogated and taken into custody upon confession to the crime. It is important to note that the present accused's vehicle, a Scorpio that was allegedly used in the incident, was also seized. Another essential aspect is that the complainant had allegedly video-graphed the incident and such video was submitted to the police.

6. The accused sought bail which was rejected by the trial court. Such conclusion was affirmed[1] by the High Court, but then he was granted bail by this Court on 13-1-2023[3]. Disciplinary proceedings were also initiated against him, and he received notice thereof from the Regional Manager, Health Services, Indore Division. These facts have only been mentioned for completing the factual arc and are not in issue before us.

7. The trial court, as we have already observed, partly allowed the application. The High Court dismissed[1] the appeal thereagainst. The findings of the High Court are summarised as below along with the relevant case laws cited by the court below:

7.1. First addressed was the appellant's objection regarding the legality of the investigation, which was alleged to be vitiated on the ground that it was conducted by an Inspector instead of a Deputy Superintendent of Police (hereinafter referred to as "DSP"). Upon examining Section 9 of the SC/ST Act along with the State Government Notification dated 13-10-2017 and the consequential circular issued by the Director General of Police, the Court held that the State Government is expressly empowered to confer powers of investigation on officers below the rank of DSP for specified categories of offences. Since the offences registered against the appellant fell within the ambit of those notified, the investigation conducted by an Inspector was held to be legally authorised and not in violation of Rule 7 of the SC/ST Rules, 1995.

1 *Anand Rai* v. *State of M.P.*, 2025 SCC OnLine MP 10644
3 *Anand Rai* v. *State of M.P.*, 2023 SCC OnLine SC 2573

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The challenge to the investigation was, therefore, found to be without merit. (*State of Bihar* v. *Anil Kumar*[4])

7.2. Thereafter, the Court reiterated the settled legal position governing the scope of judicial scrutiny at the stage of framing of charges. It held that, at this preliminary stage, the Court is not required to conduct a detailed appreciation of evidence or adjudicate upon the probable defence of the accused. The exercise is limited to examining whether the material placed by the prosecution, if taken at face value, discloses sufficient ground to presume that the accused has committed the alleged offences. The degree of satisfaction required is only that of a strong suspicion and not proof beyond reasonable doubt. A meticulous analysis of contradictions, credibility of witnesses, or likelihood of conviction would amount to a mini trial, which is impermissible at this stage. (*Vinay Tyagi* v. *Irshad Ali*[5]; *Ram Prakash Chadha* v. *State of U.P.*[6])

7.3. While dealing with the applicability of Section 149 IPC, the Court observed that the appellant has been implicated as a member of an unlawful assembly, and the offences alleged are stated to have been committed in prosecution of the common object of such assembly. The Court clarified that, at the stage of framing of charges, it is not necessary that a specific overt act be attributed to each individual accused. What is required is *prima facie* material indicating membership of the unlawful assembly and the likelihood that the accused shared the common object or had knowledge that such offences were likely to be committed.

7.4. The Court noted that multiple witnesses, including injured police personnel, have categorically stated that the appellant was a participant in the JAYS rally and was present at the place of occurrence when public officials were restrained and assaulted. Whether the appellant merely happened to be present, or whether he shared the common object of the assembly, are matters that can only be conclusively determined after evidence is led during trial. At this stage, the prosecution material was held sufficient to attract Section 149 IPC. (*State of Maharashtra* v. *Kashirao*[7])

7.5. The Court further held that challenges raised by the appellant concerning his exact presence at the spot, the credibility of the medical evidence, the qualifications of the doctor who conducted the radiological examination, and the precise role attributed to him, all involve disputed questions of fact. Such issues necessarily require appreciation of evidence and cannot be conclusively adjudicated either at the stage of framing of charges or while exercising appellate jurisdiction against an order framing charge. These matters were held to fall squarely within the domain of trial.

4 (2017) 14 SCC 304 : (2017) 4 SCC (Cri) 849
5 (2013) 5 SCC 762 : (2013) 4 SCC (Cri) 557
6 (2024) 10 SCC 651 : (2025) 1 SCC (Cri) 253
7 (2003) 10 SCC 434 : 2004 SCC (Cri) 801

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7.6. Upon an overall consideration of the impugned order[1], the High Court found that the Special Judge had applied the correct legal principles, considered the material available on record, and assigned cogent reasons while framing charges against the appellant. The order was found to be free from perversity, procedural impropriety, or patent illegality. Consequently, the High Court held that no case was made out for interference in exercise of appellate jurisdiction under Section 14(A)(1) of the SC/ST Act, and affirmed the order framing charges. (*Amit Kapoor*[8]; *Vinay Tyagi*[5])

8. We have heard Mr Kapil Sibal, learned Senior Counsel for the accused and Mr Pashupati Nath Razdan, learned Advocate-on-Record for the State. The sole point of challenge raised before this Court is the subsistence of charges under the SC/ST Act against the accused.

9. As such, let us look at the relevant provisions thereof—

"**3. *Punishments for offences atrocities*.**—[5a][(1) Whoever, not being a member of a Scheduled Caste or a Scheduled Tribe—

1 *Anand Rai* v. *State of M.P.*, 2025 SCC OnLine MP 10644

8 *Amit Kapoor* v. *Ramesh Chander*, (2012) 9 SCC 460 : (2012) 4 SCC (Civ) 687 : (2013) 1 SCC (Cri) 986

5 *Vinay Tyagi* v. *Irshad Ali*, (2013) 5 SCC 762 : (2013) 4 SCC (Cri) 557

5a *Substitute* by Act 1 of 2016, S. 4(*i*) (w.e.f. 26-1-2016). Prior to substitution it read as:

"(1) Whoever, not being a member of a Scheduled Caste or a Scheduled Tribe—

(*i*) forces a member of a Scheduled Caste or a Scheduled Tribe to drink or eat any inedible or obnoxious substances;

(*ii*) acts with intent to cause injury, insult or annoyance to any member of a Scheduled Caste or a Scheduled Tribe by dumping excreta, waste matter, carcasses or any other obnoxious substance in his premises or neighbourhood;

(*iii*) forcibly removes clothes from the person of a member of a Scheduled Caste or a Scheduled Tribe or parades him naked or with painted face or body or commits any similar act which is derogatory to human dignity;

(*iv*) wrongfully occupies or cultivates any land owned by, or allotted to, or notified by any competent authority to be allotted to, a member of a Scheduled Caste or a Scheduled Tribe or gets the land allotted to him transferred;

(*v*) wrongfully dispossesses a member of a Scheduled Caste or a Scheduled Tribe from his land or premises or interferes with the enjoyment of his rights over any land, premises or water;

(*vi*) compels or entices a member of a Scheduled Caste or a Scheduled Tribe to do 'begar' or other similar forms of forced or bonded labour other than any compulsory service for public purposes imposed by Government;

(*vii*) forces or intimidates a member of a Scheduled Caste or a Scheduled Tribe not to vote or to vote to a particular candidate or to vote in a manner other than that provided by law;

(*viii*) institutes false, malicious or vexatious suit or criminal or other legal proceedings against a member of a Scheduled Caste or a Scheduled Tribe;

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* * *

(2) Whoever, not being a member of a Scheduled Caste or a Scheduled Tribe—

* * *

(*v*) commits any offence under the Penal Code, 1860 punishable with imprisonment for a term of ten years or more against a person or property [5b][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;

(*v-a*) 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 Penal Code, 1860 for such offences and shall also be liable to fine."

10. At this stage, it is important to take note of the objects and reasons for the enactment of the SC/ST Act. Sujata Manohar, J., in *State of M.P.* v. *Ram*

(footnote 5a *contd.*)

(*ix*) gives any false or frivolous information to any public servant and thereby causes such public servant to use his lawful power to the injury or annoyance of a member of a Scheduled Caste or a Scheduled Tribe;

(*x*) intentionally insults or intimidates with intent to humiliate a member of a Scheduled Caste or a Scheduled Tribe in any place within public view;

(*xi*) assaults or uses force to any woman belonging to a Scheduled Caste or a Scheduled Tribe with intent to dishonour or outrage her modesty;

(*xii*) being in a position to dominate the will of a woman belonging to a Scheduled Caste or a Scheduled Tribe and uses that position to exploit her sexually to which she would not have otherwise agreed;

(*xiii*) corrupts or fouls the water of any spring, reservoir or any other source ordinarily used by members of the Scheduled Castes or the Scheduled Tribes so as to render it less fit for the purpose for which it is ordinarily used;

(*xiv*) denies a member of a Scheduled Caste or a Scheduled Tribe any customary right of passage to a place of public resort or obstructs such member so as to prevent him from using or having access to a place of public resort to which other members of public or any section thereof have a right to use or access to;

(*xv*) forces or causes a member of a Scheduled Caste or a Scheduled Tribe to leave his house, village or other place of residence,

shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to five years and with fine."

5b *Substitute* for "on the ground that such person is a member of a Scheduled Caste or a Scheduled Tribe or such property belongs to such member" by Act 1 of 2016, S. 4(*ii*)(*a*) (w.e.f. 26-1-2016).

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Kishna Balothia[9], while dealing with the constitutionality of Section 18 thereof which takes the applicability of the provisions of anticipatory bail housed in the provisions of CrPC for offences under this Act, as follows: (SCC p. 225, para 6)

> "*6.* ... In this connection we may refer to the Statement of Objects and Reasons accompanying the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Bill, 1989, when it was introduced in Parliament. It sets out the circumstances surrounding the enactment of the said Act and points to the evil which the statute sought to remedy. In the Statement of Objects and Reasons it is stated:
>
> > 'Despite various measures to improve the socio-economic conditions of the Scheduled Castes and the Scheduled Tribes, they remain vulnerable. They are denied number of civil rights. They are subjected to various offences, indignities, humiliations and harassment. They have, in several brutal incidents, been deprived of their life and property. Serious crimes are committed against them for various historical, social and economic reasons.
> >
> > 2. ... When they assert their rights and resist practices of untouchability against them or demand statutory minimum wages or refuse to do any bonded and forced labour, the vested interests try to cow them down and terrorise them. When the Scheduled Castes and the Scheduled Tribes try to preserve their self-respect or honour of their women, they become irritants for the dominant and the mighty. Occupation and cultivation of even the Government allotted land by the Scheduled Castes and the Scheduled Tribes is resented and more often these people become victims of attacks by the vested interests. Of late, there has been an increase in the disturbing trend of commission of certain atrocities like making the Scheduled Caste persons eat inedible substances like human excreta and attacks on and mass killings of helpless Scheduled Castes and Scheduled Tribes and rape of women belonging to the Scheduled Castes and the Scheduled Tribes. ... A special legislation to check and deter crimes against them committed by non-Scheduled Castes and non-Scheduled Tribes has, therefore, become necessary.'
>
> The above statement graphically describes the social conditions which motivated the said legislation. It is pointed out in the above Statement of Objects and Reasons that when members of the Scheduled Castes and Scheduled Tribes assert their rights and demand statutory protection, vested interests try to cow them down and terrorise them."

11. While the Constitution guarantees equality, freedom from discrimination, and the right to live with dignity, these ideals often remained abstract for SC and ST communities because of centuries of social exclusion, oppression, and violence. Recognizing this gap, the Act provides targeted legal protection, ensuring that the constitutional promises of equality and justice are

9 (1995) 3 SCC 221 : 1995 SCC (Cri) 439

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realized in practice. At its core, the Act embodies the principle of equality before the law, as enshrined in Article 14 of the Constitution.

12. It goes beyond formal equality, acknowledging that SC/ST communities face unique social vulnerabilities. By defining specific offences such as physical assault, sexual abuse, humiliation, and social ostracism, and prescribing stricter punishments, the law ensures substantive equality, allowing these individuals to live with safety, respect, and dignity in a society that has historically denied them these rights.

13. The Act also reinforces the constitutional mandate under Article 17, which prescribed the abolishment of untouchability. Modern forms of caste-based indignity, like forcing individuals into menial or degrading labour, denying them access to public spaces, or socially boycotting them, are specifically criminalized. These provisions help translate the ideals of the Constitution, of freedom from untouchability into actionable legal protection, restoring both social and personal dignity to victims.

14. Furthermore, the Act embodies Article 15's prohibition against discrimination, ensuring that SC/ST persons can access education, employment, and civic life without fear of prejudice. By shielding these communities from targeted harassment and violence, the law turns the promise of non-discrimination into a lived reality. At the same time, it safeguards the right to life and dignity under Article 21, recognizing that life is not merely about survival, but about living with respect, security, and freedom from humiliation. Relief, rehabilitation, and special protective measures under the Act directly uphold this principle.

15. Finally, the SC/ST Act advances the broader goals of social justice and positive discrimination, reflected in Articles 38 and 46. By creating a safe and supportive environment, the Act enables SC/ST communities to participate fully in social, educational, and economic opportunities, helping to break cycles of historical oppression. In this sense, the Act is a transformative instrument, bridging the gap between constitutional ideals and everyday realities, ensuring that SC/ST citizens can live as equal, dignified, and empowered members of society.

16. We must turn back to the application for discharge and examine the averment regarding changes under the SC/ST Act. The relevant portion of the application is extracted as under:

> "(*h*) Charges levied under the SC/ST Act — Applicant was charged under Sections 3(1)(*r*), 3(1)(*s*) and 3(2)(*v-a*) of the SC/ST Act. The essential ingredients to constitute this offence are—
>
> (*i*) There must be victim of Scheduled Caste or Scheduled Tribe.
>
> (*ii*) Use of casteist or derogatory word in public place against the victim.
>
> (*iii*) Knowledge of accused regarding the caste of the victim.
>
> (*iv*) Physical presence of accused at the time of incident.

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That, it is essential to mention here that the FIR and Final Report both are silent pertaining to use of derogatory word or casteist term. Further, there is no specific averment pertaining to use of casteist word against the original complainant. None of the above mentioned ingredient is available in the present matter, hence the applicant may kindly be discharged from this charge."

17. In its judgment on the application, the learned trial court dealt with the proposed charge under the SC/ST Act alongside a number of provisions of IPC. For a charge under the above quoted provisions of the SC/ST Act to be established, several elements must be present. The accused must first commit an offence under the IPC, such as assault, robbery, or any other crime punishable with ten or more years of imprisonment. The act must be directed against a member of a Scheduled Caste or Scheduled Tribe, or against property that belongs to them, reflecting the special protection the law affords to historically marginalized communities. In addition, the accused must have knowledge that the victim belongs to a Scheduled Caste or Scheduled Tribe or that the property belongs to such a person. This requirement of awareness is essential to the application of the law. Finally, the punishment prescribed under this sub-section is life imprisonment along with a fine, underscoring the gravity of offences committed against vulnerable communities.

18. Section 3(2)(*v-a*) deals with specific atrocities listed in the Schedule of the Act, including forced labour, harassment, social exclusion, or damage to property that target SC or ST persons. To attract liability under this provision, the accused must commit one of the scheduled offences against a member of a Scheduled Caste or Scheduled Tribe or their property. The offender must know the caste identity of the victim or that the property belongs to them, ensuring that the law applies to deliberate acts of caste-based harm. The punishment for these offences is as specified under the Penal Code, 1860 along with an additional fine, providing flexibility to address a range of atrocities that may not carry ten years or more of imprisonment but still require special protection for the victim.

19. The question that then arises, is — who were present before the learned trial court that, in its appreciation of the material on record, met the standard required for framing of charge?

20. Sections 227 and 228 CrPC are as below:

"**227.** ***Discharge***.—If, upon consideration of the record of the case and the documents submitted therewith, and after hearing the submissions of the accused and the prosecution in this behalf, the Judge considers that there is not sufficient ground for proceeding against the accused, he shall discharge the accused and record his reasons for so doing.

228. ***Framing of charge***.—(1) If, after such consideration and hearing as aforesaid, the Judge is of opinion that there is ground for presuming that the accused has committed an offence which—

(*a*) * * *

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(*b*) is exclusively triable by the Court, he shall frame in writing a charge against the accused.

(2) Where the Judge frames any charge under clause (*b*) of sub-section (1), the charge shall be read and explained to the accused, and the accused shall be asked whether he pleads guilty of the offence charged or claims to be tried."

21. Even though the instant case is governed by the prior regime of substantive and procedural criminal laws, we may observe that in the new legislation, now occupying the field, the position remains the same.

22. On a close reading of the statutory text of the CrPC and the Bharatiya Nagarik Suraksha Sanhita, 2023, the position is one of continuity rather than change in relation to the Court's power at the stages of discharge and framing of charge. In both enactments, the governing standards are framed in materially the same language. At the stage of discharge, the Court is required to consider whether there is any sufficient ground for proceeding against the accused in sessions cases, or whether the charge is groundless in Magistrate warrant cases. At the subsequent stage, charges are to be framed only if the Court forms an opinion that there is a ground for presuming that the accused has committed an offence.

23. These formulations, which have long anchored the exercise of judicial discretion under the CrPC, are carried forward in substance in the corresponding provisions of the BNSS, without any textual indication that the level of scrutiny is intended to be either heightened or diluted.

24. What the BNSS does is to change the procedural setting within which this discretion is exercised. The new statute introduces express timelines for the filing of discharge applications and for the framing of charges, and it expressly recognises the possibility of the accused being heard or examined through electronic means. These changes are regulatory in nature. They are aimed at structuring the process and reducing delay, not at transforming the judicial task itself. The Court's obligation to apply its mind to the record, to hear both sides, and to record reasons where discharge is ordered remains exactly as before, as does the caution against weighing evidence or conducting a mini trial at these preliminary stages.

25. Accordingly, the established jurisprudence developed under the CrPC on the scope and limits of consideration at the stages of discharge and framing of charge continues to hold the field under the BNSS. The statutory language supports the conclusion that the legislature has retained the same substantive balance between the rights of the accused and the interest of prosecution, while seeking to impose greater procedural discipline and expedition. In substance, the power remains the same; only the manner of its exercise has been more tightly structured.

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26. *Sajjan Kumar* v. *CBI*[10], which has been relied upon a Bench of three Judges in *Ghulam Hassan Beigh* v. *Mohd. Maqbool Magrey*[11], formulated the following principles regarding the scope of the above quoted sections: (*Sajjan Kumar case*[10], SCC pp. 376-77, para 21)

"*21.* ... (*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."

27. Having discussed the sections proposed to be charged against the appellant, let us now examine the discussion of the trial court. In Part D of its

10 (2010) 9 SCC 368 : (2010) 3 SCC (Cri) 1371
11 (2022) 12 SCC 657 : (2024) 1 SCC (Cri) 589

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order, the learned trial court deals with the charges under Sections 341, 146, 147, 353, 333, 326, 332, 336 IPC and charges under the SC/ST Act. Having considered the above said sections from paras 26 to 37, para 38 records thus:

> "*38*. Consequently, on the basis of the above discussion, in the light of the evidence collected by the investigation officer on record and the documents presented by the prosecution, the accused were charged under Sections 147, 341, 427, 353, 332, 333, 326, 352, 323 IPC read with Section 149 and Section 3(2)(*v*) and Section 3(2)(*v*-*a*) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, there being sufficient grounds for framing charges under these sections charges were framed separately against the accused under the said sections. It is noteworthy that apart from accused Dr Anand Rai, other accused have produced their caste certificate declaring themselves to be members of Scheduled Caste or Scheduled Tribes. In such a situation, provisions of the 1989 Act are attracted only in respect of Dr Anand Rai …"

28. Here itself it be noted that in Part C of the judgment, the learned trial court recorded as follows in respect of Section 3(1)(*r*) of the SC/ST Act:

> "*23*. It is a well-settled principle that Section 149 IPC is not applicable in respect of Sections 294 and 506 IPC invoked in relation to the act of giving threat to kill. Sections 294 and 506 IPC (Part 2) read with Sections 3(1)(*f*) and 3(1)(*s*) of the 1989 Act are applicable in respect of the person who has used abusive language or who has threatened to kill or who has used abusive caste-specific words with the intent of insult.
>
> *24*. In the evidence collected by the Investigation Officer and in the statement recorded under Section 161 CrPC, none of the witnesses have specifically stated as to which of the accused persons used casteist slurs to insult, abuse and threaten to kill.
>
> *25*. Consequently, on the basis of the above discussion, Sections 294 and 506 (Part 2) IPC read with Sections 3(1)(*r*) and 3(1)(*s*) of the Prevention of Corruption Act, 1989 are not attracted against the accused and hence, all the accused are acquitted under the said sections."

29. In view of the requirements of the sections proposed to be charged, as discussed in paras 11 to 15 of this judgment, we are at a loss to understand that when the trial court itself acknowledges that none of the statements under Section 161 CrPC, state the specific slurs uttered by the accused with the intent to insult threaten or kill, then how is it found, on the same bundle of evidence, and with the same level of scrutiny thereof, that the alleged acts of the accused were informed by caste awareness. There does not appear to be any other material on record either, to establish knowledge on part of the accused. Once the knowledge on part of the alleged offender is in question, it is but certain that the charge cannot stand.

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30. Curiously, the impugned judgment/order[1] of the High Court, although running into eighteen pages, does not deal at all with the charge under the SC/ ST Act. All that is said, is that the trial court has "*assigned elaborate reasons*". As demonstrated above, those reasons are lacking and insufficient. Only for the reason that on a facial analysis of the evidence placed on record, some of the charges of the IPC, appear to be met, the SC/ST sections have also been charged against the accused.

31. However, we are of the considered view that the apparent evidence on record is in no way sufficient for a facial analysis of the case at hand, or for a "*prima facie*" view to be taken, or enough to distinguish suspicion from grave suspicion, insofar as the knowledge is concerned that would inform the accused's alleged misdeeds.

32. That apart, it may also be observed that there is no averment whatsoever that the complainant was a member of the SC/ST Community. Still further, when the complaint, and the subsequent statements under Section 161 CrPC, both, appear to be lacking in averments for caste motivated acts allegations, one where intent is absent, and the other where knowledge is apparently present, seems difficult to accept.

33. Further, it may be observed that the High Court in deciding the appeal against the partial order of discharge, has not carried out its duty as the first Court of Appeal. The section of the Act pertaining to appeals is:

> "[**14-A.** ***Appeals***.—(1) Notwithstanding anything contained in the Criminal Procedure Code, 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 sub-section (3) of Section 378 of the Criminal Procedure Code, 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.]"

1 *Anand Rai* v. *State of M.P.*, 2025 SCC OnLine MP 10644

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34. Even though *Sanjay Kumar Rai* v. *State of U.P.*[12], 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 SC/ST Act is a statutory first appeal.

35. 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.

36. In *Bani Singh* v. *State of U.P.*[13], 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.

37. Similarly, in *Chandrappa* v. *State of Karnataka*[14], 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.

38. 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.

39. 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.

40. 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.

41. 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.

12 (2022) 15 SCC 720
13 (1996) 4 SCC 720 : 1996 SCC (Cri) 848
14 (2007) 4 SCC 415 : (2007) 2 SCC (Cri) 325

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42. In *State of Bihar* v. *Ramesh Singh*[15] and later in *Union of India* v. *Prafulla Kumar Samal*[16], 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.

43. 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.

44. 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.

45. 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.

46. 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 duty-bound, 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.

47. In that view of the matter, the charges upon the accused insofar as the SC/ST Act stand quashed. The matter is remitted back to the trial court to proceed in accordance with law regarding the other changes framed against the accused. It stands clarified that no part of the consideration made herein shall be construed as a comment on any of the charges other than the provisions of the SC/ST Act. The criminal appeal is allowed to the above extent.

15 (1977) 4 SCC 39 : 1977 SCC (Cri) 533
16 (1979) 3 SCC 4 : 1979 SCC (Cri) 609

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48. Before parting with the matter, it is observed that at the stage of framing of charge or considering discharge, the Court is not dealing with an abstract legal exercise. It is dealing with real people, real anxieties, and the real weight of criminal prosecution. Judicial responsibility at this stage calls for care, balance, and an honest engagement with the facts on record. The power to frame a charge is not meant to be exercised by default or out of caution alone. When the material placed before the Court, taken at face value, does not disclose the ingredients of an offence, the law expects the Court to have the clarity and courage to say so and to keep such a case aside.

49. Discharge, in that sense, is not a technical indulgence but an essential safeguard. The Court must consciously distinguish between a genuine case that warrants a trial and one that rests only on suspicion or assumption or for that matter without any basis. To allow a matter to proceed despite the absence of a *prima facie* case is to expose a person to the strain, stigma, and uncertainty of criminal proceedings without legal necessity. Fidelity to the Rule of Law requires the Court to remember that the process itself can become the punishment if this responsibility is not exercised with care.

50. This responsibility weighs heaviest on trial courts, which are the first courts most people ever step into. For a litigant or an accused, the trial court is not just one level in a hierarchy. It represents the face of the judiciary itself. The sensitivity, fairness, and legal discipline shown at this stage shape how ordinary citizens understand justice. The impression a trial court creates, through its approach to facts and law, often becomes the impression people carry of the entire judicial system. That is why, at every stage and especially at the threshold, trial courts must remain alive to the human consequences of their decisions and to the trust that society places in them.

51. Pending applications, if any, shall stand closed.

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