



**IN THE HIGH COURT OF MADHYA PRADESH  
AT JABALPUR**

**BEFORE  
HON'BLE SHRI JUSTICE DINESH KUMAR PALIWAL**

**CRIMINAL APPEAL No.614 of 2024**

***Shikha Dwivedi***

***Versus***

***The State of Madhya Pradesh & Another***

.....  
**Appearance:**

***Shri Prakash Upadhyay – Senior Advocate assisted by Shri Utkarsh Agrawal – Advcoate for the appellant.***

***Shri Amit Sharma – Government Advocate for the respondent No.1/State.***

***None for the complainant/victim despite service of notice.***

.....  
***Reserved on : 25.04.2025***  
***Pronounced on : 07.05.2025***  
.....

**ORDER**

This criminal appeal under Section 14-A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been filed assailing the order dated 16.12.2023 (*Annexure-A/1*) passed in Special Case No.151/2023 (*State of MP Vs. Ashish @ Vipul Mishra & others*) by learned Special Judge, Scheduled Castes and the



Scheduled Tribes (Prevention of Atrocities) Act, District Rewa (M.P.), by which, charges for commission of offences under Sections 294 of IPC and Section 302 r/w 34 of IPC; in alternate, Section 302 of IPC and Sections 3(1)(r), 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 have been framed against the appellant/accused.

2. The facts, in short, giving rise to the present revision are that on 28.06.2023 at around 05:00 pm, complainant Rajkumar Kol resident of Village-Pipra, Police Station-Semariya, District-Rewa appeared at Police Station-Semariya alongwith Ramprasad Kol stating that on 28.06.2023, he alongwith Ramprasad Kol and Lallu @ Rajbahor Kol had gone for grazing the goats at Pipra Hills. At around 01:00 pm, two unknown persons riding on a black colour Deluxe motorcycle came and abused Ramprasad by uttering filthy words relating to mother & sister and assaulted Ramprasad by means of wood-sticks. Hearing the noise raised by Ramprasad, when he and Lallu Kol reached on the spot, they both fled away from the motorcycle. He could not see the number plate of the motorcycle.



Both the persons are unknown, but they can identify them. Ramprasad had sustained injuries on his back & head and is not able to lodge FIR, therefore; on his behalf, he has come to lodge the FIR. FIR bearing Crime No.274/2023 for commission of offences under Sections 294, 323, 34 of IPC was registered at Police Station-Semariya, District-Rewa. Ramprasad was taken to Sanjay Gandhi Memorial Hospital (SGMH), Rewa and Shyam Shah Medical College (SSMC), Rewa. On 02.07.2023, he succumbed to his injuries. In post-mortem report, nine ante-mortem injuries were noticed on his dead body and cause of death was shown to be cardio respiratory failure as a result of head injury and its complications. After investigation, charge-sheet has been filed against seven persons for commission of offences under Sections 294, 323, 34, 302 of IPC and Section 3(2)(v) of SC/ST (Prevention of Atrocities) Act, 1989.

3. Learned Special Judge, SC/ST (Prevention of Atrocities) Act, Rewa by the impugned order dated 16.12.2023 framed charges against the present appellant & six other accused persons for commission of offences under Sections 294 of IPC and Section 302



r/w 34 of IPC; in alternate, Section 302 of IPC and Sections 3(1)(r), 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. Hence, this criminal appeal.

4. It is submitted by learned counsel for the appellant that appellant Shikha Dwivedi is a woman. In FIR dated 28.06.2023 lodged by complainant Rajkumar Kol, incident is alleged to have been caused by two unknown persons only who had reached at the place of occurrence from the motorcycle and had assaulted Ramprasad Kol (since deceased). It is further submitted that in FIR, there is no whisper about the presence of any woman/lady on the spot. It is contended that statements of so-called eye-witnesses Rajkumar Kol and Lallu @ Rajbahor Kol were recorded on 01.07.2023 for the very first time. In their statements, they stated that Vipul Mishra resident of Bhamra alongwith ten other boys with four motorcycles was standing there and they had assaulted Ramprasad Kol by means of *lathis* and wood-sticks causing injuries to him. It is submitted that in their statements recorded on 01.07.2023, they have nowhere stated about the presence of appellant Shikha Dwivedi or any woman on



spot. It is submitted that their statements were again recorded on 20.07.2023 and they again gave the same statements.

5. It is contended by learned counsel for the appellant that after a considerable period of three months of the date of incident, on 28.09.2023, supplementary statements of Rajkumar Kol and Lallu @ Rajbahor were again recorded under Section 161 of CrPC and in it, they stated that seven-eight boys including Vipul Mishra @ Ashish Mishra and one girl had assaulted Ramprasad Kol and three-four motorcycles were also standing there. They stated that out of all the assailants, they knew only Vipul Mishra not the others; but later, they came to know about other assailants who are Vipul Mishra, Shivam Tiwari, Karamjeet Tripathi, Rishab Tiwari, Amar Mishra, Azad Singh, Vineet Singh and Shikha Dwivedi (present appellant). It is contended that for the very first time, name of the present appellant was disclosed by the witnesses almost after three months of incident. No Test Identification Parade was conducted to ensure whether appellant is the same woman who was involved in *maar-peet* or not. Therefore, it was not justified on the part of the Trial Court to frame



charges against the appellant who is a lady. As such, no charge for commission of aforesaid offences is made out against her. Thus, the learned Trial Court has committed error in framing the charges against appellant Shikha Dwivedi. Hence, it is prayed that this appeal may be allowed & impugned order dated 16.12.2023 (*Annexure-A/1*) passed in Special Case No.151/2023 (*State of MP Vs. Ashish @ Vipul Mishra & others*) by learned Special Judge, SC/ST (Prevention of Atrocities) Act, District Rewa (M.P.), framing the charges for commission of offences under Sections 294 of IPC and Section 302 r/w 34 of IPC; in alternate, Section 302 of IPC and Sections 3(1)(r), 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 against appellant Shikha Dwivedi may be set-aside.

6. On the other hand, learned counsel for the State has opposed the prayer made by learned counsel for the appellant. It is submitted that in their supplementary statements recorded under Section 161 of CrPC after three months of the incident, witnesses Rajkumar Kol and Lallu @ Rajbahor Kol have stated that later, they



came to know about the names of other accused persons. As per their statements, appellant Shikha Dwivedi was present on spot and had assaulted Ramprasad Kol (since deceased). It is contended that for framing of charges mere strong suspicious is sufficient, therefore, the learned Trial Court has not committed any error in framing the charges for commission of aforesaid offences against appellant Shikha Dwivedi. Hence, no interference is required to the impugned order dated 16.12.2023 passed by learned Special Judge, SC/ST (Prevention of Atrocities) Act, Rewa.

7. I have heard learned counsel for the parties at length and have perused the material available on record and in the case diary.

8. In order to appreciate the submissions made on behalf of the parties, the issue that arises for consideration in the present criminal appeal is that whether there exists a *prima facie* case for framing charges against appellant Shikha Dwivedi.

9. It is settled that at the stage of framing the charges, the Court has the 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 and 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. No roving inquiry into pros and cons of the matter and weighing the evidence is necessary as if the trial is conducted.

10. On perusal of the Trial Court order dated 16.12.2023 passed in Special Case No.151/2023, it is apparent that Trial Court has not assigned any reason for framing the charges against the appellant except that there is a *prima-facie* case against all the accused persons and as such, has framed the charges. The learned Trial Court in its order dated 16.12.2023 passed in Special Case No.151/2023 observed as under:-

“....प्रकरण आरोप पर आदेश तथा आरोप विरचना हेतु नियत है। आरोपिया शिखा द्विवेदी की ओर से तर्क किए गए हैं कि अभियोजन द्वारा आरोपिया की घटना में कोई संलिप्तता नहीं दर्शाई गई है तथा उसके विरुद्ध जो साक्ष्य अभिलेख पर है वह ग्राह्य प्रकृति की नहीं है। शेष अभियुक्तगण की ओर से भी यह तर्क किया गया है कि उनके विरुद्ध साक्ष्य ग्राह्य प्रकृति की नहीं है।





प्रकरण के अवलोकन से सभी अभियुक्तगण के विरुद्ध प्रथमदृष्ट्या धारा-294, 302 सहपठित 34 विकल्प में 302, भा0द0वि0 एवं धारा-3(1)(आर), 3(2)(5) अजा0/अजजा0 (अत्या0निवा0) अधि0 के अंतर्गत आरोप लगाए जाने हेतु यथेष्ट आधार परिलक्षित होते हैं। अतः उपरोक्त धाराओं के आरोप उपस्थित अभियुक्तगण पर एवं केन्द्रीय जेल रीवा में निरुद्ध अभियुक्तगण पर जरिए अधिवक्ता विरचित किया जाकर सुनाए एवं समझाए जाने पर उपस्थित अभियुक्तगण एवं केन्द्रीय जेल रीवा में निरुद्ध अभियुक्तगण की ओर से उनके अधिवक्ता ने अपराध से इंकार किया तथा विचारण चाहा। उनकी प्ली अंकित की गई।

धारा-294 द0प्र0स0 के अंतर्गत अभियोजन के दस्तावेजों को दिखाए जाने पर उपस्थित अभियुक्त एवं केन्द्रीय जेल रीवा में निरुद्ध अभियुक्तगण की ओर से उसके अधिवक्ता ने उनकी सत्यता से इंकार किया।..”

11. On perusal of the FIR recorded on the same day, it is apparent that in it, there is no mention about presence of any girl/lady/woman on spot. In FIR, allegations are made against only two unknown persons. In the statements of eye-witnesses viz. Rajkumar Kol and Lallu @ Rajbahor Kol recorded on 01.07.2023 under Section 161 of CrPC, 1973, there is no mention about presence of any girl/lady on spot and taking active participation in causing injuries to Rajprasad Kol (since deceased). Even, in their second



statements again recorded under Section 161 of CrPC on 20.07.2023, it is stated by them that injuries were caused by seven-eight boys and out of these boys, they knew only the name of Vipul Mishra @ Ashish Mishra. It is worth mentioning that for the very first time, in the supplementary statements recorded on 28.09.2023 which is third statement under Section 161 of CrPC, name of the present appellant and other co-appellants/accused have been taken. However, it cannot be over looked that no Test Identification Parade was conducted to ensure whether appellant Shikha Dwivedi is the same lady who was present on the spot or not. Thus, it is apparent that police statements of both the eye-witnesses viz. Rajkumar Kol and Lallu @ Rajbahor Kol have been improved after a considerable period of three months of the incident and for the very first time, name of Shikha Dwivedi (present appellant) has surfaced on 28.09.2023.

**12. Section 227 of the CrPC reads thus:**

**“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.”

**13. Section 228 of the CrPC reads thus:-**

**“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) is not exclusively triable by the Court of Session, he may, frame a charge against the accused and, by order, transfer the case for trial to the Chief Judicial Magistrate, 3 [or any other Judicial Magistrate of the first class and direct the accused to appear before the Chief Judicial Magistrate, or, as the case may be, the Judicial Magistrate of the first class, on such date as he deems fit, and thereupon such Magistrate] shall try the offence in accordance with the procedure for the trial of warrant-cases instituted on a police report;

(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.”

14. The purpose of framing a charge is to intimate to the accused the clear, unambiguous and precise nature of accusation that the accused is called upon to meet in the course of a trial. [See: decision of a Four Judge Bench of Hon’ble the Apex Court in V.C. Shukla v. State through C.B.I., please see 1980 SCC (Cri) 695].

15. Hon’ble the Apex Court in the case of **Union of India vs. Prafulla Kumar Samal and another; (1979) 3 SCC 4, (AIR 1979 SC 366)** has considered the scope of enquiry a judge is required to make while considering the question of framing of charges. In paragraph 10 of the judgment laid down the following principles: –

“(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 mouth-piece 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.”

16. Hon’ble the Apex Court in the case of **Sajjan Kumar vs. CBI [(2010) 9 SCC 368 : (2010) 3 SCC (Cri) 1371]**, considering the



scope of Sections 227 and 228 CrPC, noted the following principles.

Para 21 is 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 dis- close 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 there from 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.”

17. Hon’ble the Supreme Court in the case of **Dipakbhai Jagdishchandra Patel vs. State of Gujarat, (2019) 16 SCC 547**, has discussed the law relating to the framing of charge and discharge, elaborately in paragraphs 15 and 23. The same are reproduced as under:-

“15. We may profitably, in this regard, refer to the judgment of this Court in *State of Bihar v. Ramesh Singh* wherein this Court has laid down the principles relating to framing of charge and discharge as follows:

“4.....Reading Sections 227 and 228 together in juxtaposition, as they have got to be, it would be clear that at the beginning and 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. The presumption of the guilt of the accused which is to be drawn at the initial stage is not in the sense of the law governing the trial of criminal cases in France where the accused is presumed to be guilty unless the contrary is proved. But it is only for the purpose of deciding *prima facie* whether the court should proceed with the trial or not. 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....

If the scales of pan as to the guilt or innocence of the accused are something like even at the conclusion of the trial, then, on the theory of benefit of doubt the case is to end in his acquittal. But if, on the other hand, it is so at the initial stage of making an order under Section 227 or Section 228, then in such a situation ordinarily and generally the order which will have to be made will be one under Section 228 and not under Section 227.”

\* \* \* \* \*

“23. At the stage of framing the charge in accordance with the principles which have been laid down by this Court, what the Court is expected to do is, it does not act as a mere post office. The Court must indeed sift the material before it. The material to be sifted would be the material which is produced and relied upon by the prosecution. The sifting is not to be meticulous in the sense that the Court dons the mantle of the Trial Judge hearing arguments after the entire evidence has been adduced after a full-fledged trial and the question is not whether the prosecution has



made out the case for the conviction of the accused. All that is required is, the Court must be satisfied that with the materials available, a case is made out for the accused to stand trial. A strong suspicion suffices. However, a strong suspicion must be founded on some material. The material must be such as can be translated into evidence at the stage of trial. The strong suspicion cannot be the pure subjective satisfaction based on the moral notions of the Judge that here is a case where it is possible that accused has committed the offence. Strong suspicion must be the suspicion which is premised on some material which commends itself to the court as sufficient to entertain the prima facie view that the accused has committed the offence.”

**18.** Hon’ble the Apex Court in the case of **Asim Shariff vs. National Investigation Agency, (2019) 7 SCC 148**, in so many words, has expressed that the trial court is not expected or supposed to hold a mini trial for the purpose of marshalling the evidence on record. The relevant observations as under:-

“18. Taking note of the exposition of law on the subject laid down by this Court, it is settled that the Judge while considering the question of framing charge under Section 227 CrPC in sessions cases (which is akin to



Section 239 CrPC pertaining to warrant cases) 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; where the material placed before the Court discloses grave suspicion against the accused which has not been properly explained, the Court will be fully justified in framing the charge; by and large if two views are possible and one of them giving rise to suspicion only, as distinguished from grave suspicion against the accused, the trial Judge will be justified in discharging him. It is thus clear that while examining the discharge application filed under Section 227 CrPC, it is expected from the trial Judge to exercise its judicial mind to determine as to whether a case for trial has been made out or not. It is true that in such proceedings, the Court is not supposed to hold a mini trial by marshalling the evidence on record.”

(emphasis supplied)

**19.** On perusal of above case laws and Sections 227 & 228 of CrPC, 1973, it is apparent that the Court is required to consider the 'record of the case' and documents submitted therewith and, after hearing the parties, may either discharge the accused or where it appears to the court and in its opinion there is ground for presuming that the accused has committed an offence, it shall frame the charge.



Once the facts and ingredients of the Section exists, then the Court would be right in presuming that there is ground to proceed against the accused and frame the charge accordingly. This presumption is not a presumption of law as such. The satisfaction of the court in relation to the existence of constituents of an offence and the facts leading to that offence is a *sine qua non* for exercise of such jurisdiction.

**20.** At the initial stage of framing of a charge, the court is concerned not with proof but with a strong suspicion that the accused has committed an offence, which, if put to trial, could prove him guilty. All that the court has to see is that the material on record and the facts would be compatible with the innocence of the accused or not. The final test of guilt is not to be applied at that stage.

**21.** In the light of the above settled position and on scanning three statements recorded under Section 161 of CrPC and the FIR lodged by one of the eye-witness *viz.* Rajkumar Kol, it is apparent that in first two statements recorded under Section 161 of CrPC, 1973; i.e. first on 01.07.2023 and second on 20.07.2023, there is no mention about the name of present appellant Shikha Dwivedi being present on



the spot. In FIR and in earlier two statements, there is no whisper about presence of any girl/lady on the spot. After a considerable period of three months, the statements which are recorded on 28.09.2023 for the very first time, witnesses Rajkumar Kol and Lallu @ Rajbahor Kol in their supplementary statements have stated that seven-eight boys alongwith a girl/lady were assaulting Ramprasad Kol (since deceased) and out of those assailants, they knew only Vipul Mishra @ Ashish Mishra and later, they came to know about the names of present appellant and other accused persons to whom they can identify. It is worth mentioning that no Test Identification Parade has been conducted to ensure the presence of appellant on the spot. Thus, learned Trial Court had no material to frame charges against the present appellant except the supplementary statements of the two witnesses recorded on 28.09.2023 i.e. after a considerable period of three months of the incident and this was the third statements recorded under Section 161 of CrPC, 1973. As no Test Identification Parade had been conducted and aforesaid two eye-witnesses had no chance to identify that the appellant is the same lady or not who was present alongwith the other co-accused persons,



therefore, I am of the view that there was no material available before the learned Trial Court to disclose grave suspicion against the present appellant and to frame charges and proceed with the trial.

**22.** Undoubtedly; for framing charge, strong suspicion is sufficient. However, a strong suspicion must be founded on some material. The material must be such as can be translated into evidence at the stage of trial. The strong suspicion cannot be the pure subjective satisfaction based on the moral notions of the Judge that there is a case where it is possible that accused has committed the offence. Strong suspicion must be the suspicion which is premised on some material which commends itself to the court as sufficient to entertain the *prima facie* view that the accused has committed the offence.

**23.** Improved three statements given with interval of gaps by the two eye-witnesses do not *prima facie* show about the presence of present appellant on spot and taking active participation in commission of offence of murder of the deceased. Thus, I am of the considered view that there is nothing on record to show that appellant



Shikha Dwivedi was present on the spot and she had acted in furtherance of common intention and had in any way assaulted the deceased.

24. In view of the above analysis, this Court is conscious that at the stage of framing of charge, there should be no roving enquiry into the same; but at the same time, it cannot be over looked that the requirement of law is that there must be a strong suspicion founded on some material and the material must be such as can be translated into evidence at the stage of trial. If two views are possible and one of them gives rise to suspicion only, as distinguished from grave suspicion, the Court is empowered to discharge the accused. Thus, learned Trial Judge was expected to exercise its judicial mind to determine as to whether a case for trial has been made out or not.

25. As discussed above, there is no *prima facie* material on record to hold that there is any material on record to frame the charge against appellant Shikha Dwivedi, therefore, it was not justified on the part of the learned Trial Judge to determine that a case for trial is made out.





**26.** In light of the above discussions, it is apparent that even if all the material available on record by prosecution is accepted as gospel truth; even then, it is opposed to common sense or the broad probabilities of the case. It is against the common sense and gives rise to suspicion only and not the grave suspicion. Therefore, present appellant Shikha Dwivedi is required to be discharged. Consequently, this appeal succeeds and the impugned order dated 16.12.2023 (*Annexure-A/I*) passed in Special Case No.151/2023 (*State of MP Vs. Ashish @ Vipul Mishra & others*) by learned Special Judge, SC/ST (Prevention of Atrocities) Act, District Rewa (M.P.), by which, charges for commission of offences under Sections 294 of IPC and Section 302 r/w 34 of IPC; in alternate, Section 302 of IPC and Sections 3(1)(r), 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 have been framed against appellant Shikha Dwivedi is hereby set-aside and as such, present appellant Shikha Dwivedi is discharged for commission of the aforesaid offences.



**27.** In view of the above, this criminal appeal filed by appellant Shikha Dwivedi stands **allowed**.

**28.** It is made clear that the observation made hereinabove shall remain confined to the disposal of the present criminal appeal so far as it relates to appellant Shikha Dwivedi and will have no bearing, whatsoever with regard to other accused & on the merits of the case.

**(DINESH KUMAR PALIWAL)**  
**JUDGE**

*@shish*