

**IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPEAL NO. \_\_\_\_\_ OF 2026  
(Arising out of SLP (CrI.) No. 6657 of 2025)**

**DHARMA DEVI**

**... APPELLANT**

**VERSUS**

**SANDEEP KUMAR & ORS.**

**... RESPONDENTS**

**O R D E R**

1. Leave granted.

2. In the instant appeal the order dated 05.12.2024 passed by the High Court of Judicature at Allahabad in Criminal Appeal No. 8105 of 2023 is under challenge.

3. The respondents were allegedly made accused for the charge under Section 147, 148, 452, 323, 504 506 and 354-Kha of the Indian Penal Code, 1860 read with Section 3(2)(5)ka of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, the 'Prevention of Atrocities Act') allowing the application under Section 319 of the Code of Criminal Procedure by the Trial Court vide order dated 28.7.2023.

4. Being dissatisfied, appeal was preferred under Section 14-A of the Prevention of Atrocities Act which was allowed by the

impugned order of the High Court setting aside the order of the Trial Court.

5. Learned counsel for the appellant in reference to Section 14-A of the Prevention of Atrocities Act submits that against an order of summoning the accused by allowing the application u/s.319 of CrPC, is an interlocutory order against which appeal under Section 14-A does not lie. Therefore, the jurisdiction exercised by the High Court allowing the appeal and to set aside the order, is without authority to entertain the appeal.

5A. On the other hand, learned counsel for the respondent though made an attempt to support the judgment of the High Court, but not in a position to controvert the submissions of the appellant, however, requested to issue appropriate directions.

6. After hearing and on perusal of Section 14-A, it is clear that an appeal shall lie from any judgment/sentence and order not being an interlocutory order, if any, passed by the special court or an exclusive special court notwithstanding anything contained in the Code of Criminal Procedure before the High Court on the facts and law both. After perusal of the order, it is clear, the order impugned of the Trial Court summoning the respondents as an accused by allowing the

application under Section 319 is an interlocutory order. Therefore, the appeal filed under Section 14-A is not maintainable.

7. Accordingly, on the said ground itself, by allowing the appeal, the order passed by the High Court stands set aside. We make it clear that setting aside of the order in appeal would not debar the respondents to take recourse as permissible. It is further made clear that the period spent by the respondents during pendency of the appeal and in the proceedings before this Court may be condoned as per Section 14 of the Limitation Act. We also make it clear that the observations made in the order passed by the High Court which is set aside and shall not influence the merit of the contentions, if any, advanced by the parties on filing the Revision or 482 petition and the High Court shall decide the issue afresh uninfluenced by the findings made in the order impugned.

8. Accordingly, the appeal stands disposed of. Pending applications, if any, shall stand disposed of.

....., J.  
[J.K. MAHESHWARI]

....., J.

[ATUL S. CHANDURKAR]

New Delhi;  
April 20, 2026.

ITEM NO.32

COURT NO.3

SECTION II

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s). 6657/2025

[Arising out of impugned final judgment and order dated 05-12-2024  
in CRLA No. 8105/2023 passed by the High Court of Judicature at  
Allahabad]

DHARMA DEVI

Petitioner(s)

VERSUS

SANDEEP KUMAR &amp; ORS.

Respondent(s)

(IA No. 169855/2025 - EXEMPTION FROM FILING O.T.)

Date : 20-04-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE J.K. MAHESHWARI  
HON'BLE MR. JUSTICE ATUL S. CHANDURKAR

For Petitioner(s) : Ms. Aarti Upadhyay Mishra, AOR  
Mr. Harsh Som, Adv.

For Respondent(s) : Mr. Sri Narayan Shukla, Adv.  
Mr. pradeep Kumar Shukla, Adv.  
Mr. Gaurav Singh, AOR  
Mr. Agrata Singh, Adv.

Mr. Adarsh Upadhyay, AOR  
Ms. Pallavi Kumari, Adv.  
Mr. Shashank Pachauri, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

1. Leave granted.
2. The appeal stands disposed of in terms of the signed order.  
Pending applications, if any, shall stand disposed of.

**(GULSHAN KUMAR ARORA)**  
**DEPUTY REGISTRAR**

**(NAND KISHOR)**  
**ASSISTANT REGISTRAR**

**(Signed order is placed on the file)**