

(2023) 04 KAR CK 0040

In the Karnataka High Court

Case No : Criminal Petition No. 100889 Of 2023

Anil S/O Mukund Shanbag & Others

APPELLANT

Vs

State Of Karnataka & Others

RESPONDENT

Date of Decision : 27-04-2023

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482

Indian Penal Code, 1860 — Section 34, 504, 506

Scheduled Castes And Scheduled Tribes (Prevention Of Atrocities) Act, 2015 — Section 3(1)(r), 3(1)(s)

Citation : (2023) 04 KAR CK 0040

Hon'ble Judges : C M Joshi, J

Bench : Single Bench

Advocate : A.C. Chakalabbi, S.B. Doddagoudar, Ramesh B.Chigari

Final Decision : Disposed Of

Judgement

C M Joshi, J

1. Heard the learned counsel appearing for the petitioner and the learned HCGP appearing for respondent No.1-state.

2. The grievance of the petitioner, who has approached this Court under Section 482 of Cr.P.C., is that even though the investigating officer has filed a charge sheet against the accused for the offence punishable under section 504, 506 read with 34 of IPC and section 3(1)(r), 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2015 (for short "SC/ST (POA) Act"), the necessary ingredients are not found in the charge sheet papers. It is submitted that the Trial Court has taken cognizance and issued warrant against the petitioners. It is submitted that no case is made out to invoke the provisions of SC/ST (POA) Act and therefore, the entire proceedings needs to be quashed.

3. If at all no case is made out in the charge sheet against the petitioners herein, the remedy is available under the Code of Criminal Procedure at the stage of

hearing before charge, which may be pressed by the petitioners before the Trial Court. It is only after exhausting such remedy, the question arises is as to whether the case is made out to try the petitioners herein or not. Therefore, reserving liberty to the petitioners herein to approach the Trial Court to make out their case to drop the proceedings, as there are no sufficient material, it would be proper that the Trial Court be directed to permit the appearance of the petitioners herein and consider their bail application on the date of their appearance.

4. It is also observed by this Court that the offences alleged are not punishable with death or imprisonment for life. In the light of the above facts and circumstances of the case, the petitioners are directed to appear before the Trial Court and file bail application before the Trial Court and the Trial Court is directed to consider their bail application on the same day in accordance with law. On such appearance, the petitioners are at liberty to urge that no case is made out against them from the charge sheet papers and seek necessary remedy before the Trial Court. With this observations, the petition is disposed of.

Registry is directed to send a copy of this order to the Trial Court forthwith.