

(2009) 08 KAR CK 0052

In the Karnataka High Court

Case No : Criminal Petition No's. 3658 and 3660 of 2009

Huchuraya Swamy

APPELLANT

Vs

State of Karnataka and Others

RESPONDENT

Date of Decision : 11-08-2009

Acts Referred:

Penal Code, 1860 (IPC) — Section 198, 420
Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 —
Section 3 (1) (ix)

Citation : (2009) 5 KarLJ 507

Hon'ble Judges : Subhash B. Adi, J

Bench : Single Bench

Advocate : S.N. Bhat, for the Appellant; Honnappa, High Court Government
Pleader, for the Respondent

Final Decision : Allowed

Judgement

Subhash B. Adi, J.—In both the petitions, petitioners claimed that, the case has been registered against them in Crime Nos. 144 and 119 of 1989 for the offence punishable under Sections 198 and 420 of the Indian Penal Code, 1860 read with Section 3(1)(ix) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. The allegation against the petitioners is that, they had produced false caste certificate. Based on which they had sought for service benefits. It is submitted that, Government has issued a Notification dated 11-3-2002, inter alia dropping the prosecution in respect of the allegation of production of false caste certificate seeking the service benefits subject to surrender of caste certificate and not claiming any benefit under the same.

3. Learned Counsel for the petitioners submitted that, petitioners have surrender the caste certificate and they are not making any claim or benefit under the reserved category.

4. In view of the same, these petitions are allowed in terms of the Government Notification dated 11-3-2002 and also in terms of the order passed by this Court in Criminal Petition No. 252 of 2009, dated 25-5-2009.