
(2008) 06 AHC CK 0048
In the Allahabad High Court
Case No : Criminal M.A. No. 14401 of 2008

Munna Pandey alias Krishna Chandra Pandey and Another	APPELLANT
Vs	
State of U.P. and Another	RESPONDENT

Date of Decision : 25-06-2008

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 323, 504, 506
Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 —
Section 3(1)

Citation : (2008) 3 ACR 2769

Hon'ble Judges : R.K. Rastogi, J

Bench : Single Bench

Advocate : Rajiv Gupta and H.N. Shukla, for the Appellant; A.G.A., for the Respondent

Judgement

R.K. Rastogi, J.—This application u/s 482, Cr. P.C., has been filed by the applicants for quashing charge sheet filed in Case Crime No. 05/06 P. S. Bara, District Allahabad under Sections 323, 504, 506 I.P.C. and 3 (1) (x) of S.C. and S.T. Act.

2. I have heard learned Counsel for the applicants and learned A.G.A., for the State at the admission stage and since the point involved is legal one, I am deciding this application at this stage without calling for any counter-affidavit.

3. Learned Counsel for the applicants made only one submission before me. He submitted that there is no dispute on this point that the informant of this case namely Ram Sumer is member of a Scheduled Caste and this fact is mentioned in the beginning of the F.I.R. but he contended that there is no allegation in the entire F.I.R. that the applicants in any way intentionally insulted or intimidated the informant or his family members with intent to humiliate them as his family members with intent to humiliate them as member of a Scheduled Caste. He contended that in this way no case u/s 3 (1) (x) of the S.C. and S.T. Act, was

made out. Regarding other offences, he submitted that there are cross versions from both the sides, and a cross F.I.R. has also been registered on the report of Pradyumna Prasad Tiwari against the informant Ram Sumer and his family members as Case Crime No. 05-A/06 and investigation in that case is going on.

4. Having considered the above submissions, I am of the view that the above plea should be taken by the applicants before the Court concerned at the stage of framing charges because it can be properly appreciated only after perusal of the case diary as to whether there is any evidence in respect of the charge u/s 3 (1) (x) of the S.C. and S.T. Act or not. Taking into consideration this fact that there is no challenge to the remaining part of the charge sheet under Sections 323, 504 and 506, I.P.C., I am of the view that the applicants should appear before the Court concerned and apply for bail, and if they appear before the Court concerned within a month from today, their bail applications shall be considered and decided expeditiously preferably on the same day by the Court concerned, and while considering the prayer for grant of bail u/s 3 (1) (x) of the S.C. and S.T. Act, the Court concerned shall also take into consideration this fact that there is no allegation of the offence u/s 3 (1) (x) of the S.C. and S.T. Act, in the F.I.R. and this fact also that the offence u/s 3 (1) (x) of S.C. and S.T. Act is punishable with sentence upto five years only and so the Magistrate has got jurisdiction to grant bail for the offence u/s 3 (1) (x) of S.C. and S.T. Act irrespective of the fact that the offence is triable by the Court of Sessions.

5. During the above period of one month, the execution of coercive process, if any, shall remain stayed against the accused applicants to enable them to put in their appearance before the Magistrate concerned.

With the above observations, this application u/s 482, Cr. P.C., stands finally disposed of.