
(2021) 08 MP CK 0116

In the Madhya Pradesh High Court

Case No : Criminal Appeal No. 4737 Of 2021

Rajendra Singh @ Rajan Singh Kushwah

APPELLANT

Vs

State Of Madhya Pradesh And Another

RESPONDENT

Date of Decision : 17-08-2021

Acts Referred:

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(2)(v), 3(i)(w)(ii), 14A(2)
Indian Penal Code, 1860 — Section 376, 506
Protection Of Children From Sexual Offences Act, 2012 — Section 3, 4
Code Of Criminal Procedure, 1973 — Section 439

Citation : (2021) 08 MP CK 0116

Hon'ble Judges : G.S. Ahluwalia, J

Bench : Single Bench

Advocate : Ankur Maheshwari, Nitin Goyal

Final Decision : Disposed Of

Judgement

G.S. Ahluwalia, J

This first Criminal Appeal for grant of bail has been filed under Section 14 A (2) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities),

Act, 1989 against the order dated 20.07.2021 passed by Special Judge (POCSO Act), Guna by which the application filed by the appellant for grant of bail has been rejected.

The appellant has been arrested on 16.05.2021 in connection with Crime No.130/2021 registered at Police Station Kumbharaj, District Guna for

offence punishable under Sections 376, 506 of IPC and under Section 3 (2) (v), 3 (i) (w) (ii) of the Scheduled Castes and Scheduled Tribes

(Prevention of Atrocities), Act and Section 3 of POCSO Act.

The Office has listed this case on the question of maintainability of this criminal

appeal under section 14-A (2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act.

It is submitted by counsel for the appellant that in view of the order dated 22.04.2021 passed by the Division Bench of this Court at Principal Seat

Jabalpur in Cr.A. No.5189/2020 (Pramod Yadav Vs. State of M.P.), the application under Section 439 of Cr.P.C would be maintainable in place of

this appeal under Section 14-A (2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act. Accordingly, he seeks

permission to file an application for conversion of this appeal into an application under section 439 Cr.P.C Since the prayer is based on the judgment

passed by the Division Bench of this Court, therefore, this Court is of the considered opinion that the present appeal can be permitted to be converted

into an application under Section 439 Cr.P.C.

Accordingly, Office is directed to register this case as an application under Section 439 Cr.P.C.

With aforesaid observation, the present criminal appeal is finally disposed of.