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**(1995) 03 AHC CK 0077**

**In the Allahabad High Court**

**Case No :** Criminal Miscellaneous Application No. 814 of 1995

Ram Brich Chaudhary

APPELLANT

Vs

State of U.P.& Anr.

RESPONDENT

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**Date of Decision :** 30-03-1995

**Acts Referred:**

Criminal Procedure Code, 1973 (CrPC) — Section 482

Penal Code, 1860 (IPC) — Section 323, 504

Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 —  
Section 3

**Citation :** (1995) 03 AHC CK 0077

**Hon'ble Judges :** K.L.Sharma, J

**Final Decision :** Disposed Of

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## **Judgement**

K. L. Sharma, J.—This is an application under Section 482, Cr. P. C. for quashing the proceedings of the Crime Case No. 47 of 1995 under Sections 323/504 I.P.C. along with Section 3(1) (x) of S. C. and S. T. Prevention of Atrocities Act, 1989, P. S. Mundatwa, district Basti pending in the court of IIIrd Additional Chief Judicial Magistrate, Basti. An alternative prayer has also been made for a direction to the courts below for disposal of the bail application on the same day of surrender.

2. After hearing the learned counsel for the applicant as well as learned AGA and on perusal of the material brought on record I am of the view that the FIR dated 15395 merely discloses minor offences under Sections 323 and 504 I. P. C. but surprisingly the offence under Section 3(1) (x) of S. C. and S. T. Prevention of Atrocities Act has also been made which is not justified on the allegations made in the F.I.R.

3. However the F.I.R. as it is making out offence under Section 323/504 I.P.C. cannot be quashed but the offence under Section 3(1)(X) of S. C. and S. T. Prevention of Atrocities Act, 1989 is not made out against the applicant. However it is left for the learned Magistrate to deal with this aspect of the matter and to

delete the offence when he frames the charges.

4. The applicant is ready to appear before the learned Magistrate but he wants that his bail application should be disposed of on the same day. It is for the learned Magistrate to dispose of the application for bail without any delay in accordance with law. Therefore, this application is hereby finally disposed of with the direction that the learned Magistrate shall apply his mind to the material collected during investigation for the purpose of charges and shall consider and dispose of the bail application expeditiously in accordance with law in case the applicant appears and moves bail application before him on or before 15/4/1995.

5. Let a certified copy of order be issued within 2 days on payment of usual fee.