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**(2002) 02 JH CK 0059**  
**In the Jharkhand High Court**  
**Case No : Criminal M.P. No. 39 of 2002**

Ramdhani Mahto and Others

APPELLANT

Vs

State of Jharkhand and Another

RESPONDENT

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**Date of Decision :** 14-02-2002

**Acts Referred:**

Criminal Procedure Code, 1973 (CrPC) — Section 482  
Penal Code, 1860 (IPC) — Section 147, 148, 149, 323, 34  
Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 —  
Section 3, 4

**Citation :** (2002) 50 BLJR 531

**Hon'ble Judges :** D.N. Prasad, J

**Bench :** Single Bench

**Advocate :** A.K. Chaturvedi, for the Appellant; Assistant Public Prosecutor, for the Respondent

**Final Decision :** Dismissed

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## Judgement

D.N. Prasad, J.—This application has been filed u/s 482, Cr. P.C. for quashing of the entire criminal proceedings including the order taking cognizance dated 1.3.2001 for the offence under Sections 323, 341, 147, 148, 149, 504 and 34, IPC and also under Sections 3 and 4 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. It is submitted on behalf of the petitioners that the Court below has committed error in transferring the case to the higher Court, although he has got no power to transfer the same as well as there was no such provision made out in the Code of Criminal Procedure and it should have been committed to the Court of Special Judge, who is specially empowered to try the cases of Atrocities Act. It is further stated that this case has been registered due to animosity and with mala fide intention, which will be evident that a proceeding u/s 107, Cr. P.C. has already been initiated between the parties from before.

3. From perusal of the impugned order, it appears that the Court below after

taking into evidence of the three witnesses including the complainant in consideration and after perusing the same he took cognizance which does not appear to be interfered, at this stage, and accordingly he has rightly took cognizance for the same. Thus, I find no merit in this application, which is accordingly dismissed. However, there is a mistake in passing the order by transferring the case to the Court of Special Judge instead of committing to the Court of Special Judge. However, that would not vitiate or falsified the whole proceeding in this case.

4. With this observation, this application is dismissed.

5. However, the petitioners may raise all those points before the trial Court at the time of framing of charge.