

(2018) 01 JH CK 0016
In the Jharkhand High Court
Case No : 1296 of 2016

Ramjeet @ Ramjeet Mehta

APPELLANT

Vs

The State of Jharkhand & Ors

RESPONDENT

Date of Decision : 11-01-2018

Acts Referred:

[Scheduled Castes and Scheduled Tribes \(Prevention of Atrocities\) Act, 1989](#), [Section 15A](#)

Citation : (2018) 01 JH CK 0016

Hon'ble Judges : Anant Bijay Singh

Bench : Single Bench

Advocate : Sanjeet Sinha & Anil Kumar, I.Khan

Judgement

1. In terms of the order dated 20.11.2017 passed in Cr. Appeal Nos.1296/2016 and 1466/2017, the learned APP was directed to take

categorical instruction from the Deputy Commissioner and Superintendent of Police, Palamau as to whether provision of Section 15-A of the SC

& ST (Prevention of Atrocities) Act, 1989 amended in 2015, which has come into effect from 01.01.2016, have been complied or not and also to

ensure the protection of witnesses and the victim.

2. Further it appears that Special Judge, Daltonganj was directed to issue notice to the respondent no.2 and after her appearance, with the support

of Secretary, DLSA, Palamau at Daltonganj under the Guidance of Principal District and Sessions Judge, Palamau at Daltonganj and to formulate

a scheme for the victim and also to submit a report as to whether the provision of Section 15(A) was complied with or not when the witnesses

were produced before the Special Judge and to submit its reports to this Court latest by 08.01.2018.

3. Today when the case is called out, the report dated 06.12.2017 submitted by learned District & Addl. Sessions Judge-I-cum-Special Judge,

SC/ST (POA) Act bearing letter no. 580 which is kept at Flag "X", reveals that out of 13 witnesses, 12 prosecution witnesses have been

examined and the case is pending for examination of the I.O, namely, Mukesh Kumar Pandey, the then Officer in-charge of Patan P.S. for which

summons have already been issued.

4. The report further reveals that learned Special Judge joined on 23.08.2017 and the last public witness PW-7, namely, Trishul Bhuiyan has been

examined in this case on 09.08.2017 and the learned Special Judge have only examined 05 witnesses who are doctors and Members of Medical

Board and one Kamal Nath Munda, I.O., who has submitted the final form. No public witnesses has been examined by him and further mentioned

that neither the informant witnesses have demanded any protection or any rehabilitation or other benefits, nor such protection of social economic

rehabilitation has been recorded, so no protection was given. 4. It appears that the report of learned Special Judge is misconceived. The learned

Special Judge in SC & ST Act has not considered the provisions of Section 15A of the Chapter-IV A correctly, in which it is mentioned that it is

only the responsibility of the State to make arrangements for the protection of victims, their dependents, and witnesses against any kind of

intimidation or inducement or violence or threats of violence. But it is also the duty to the Court concerned under provision of 15A SC/ST Act to

give protection to the witnesses rehabilitation and other benefits to the victims and so the report of the learned Special Judge is hereby rejected.

5. Learned Special Judge is directed to submit a fresh report mentioning the name of the Predecessor Judge in his report and as to whether he has

categorically read the provisions of Section 15A SC/ST Act and has taken any initiative on his part to provide security and what steps has been

taken for the protection of witnesses and to submit its report on the next date fixed in this case.

6. Further a report from learned Special Judge dated 05.01.2018 has been received which reveals that the informant-Shanti Devi appeared on

13.12.2017 and informed that she is mousi of the deceased and real victim is Ispal Bhuiya and Samundri Devi, who are the parents of the

deceased and she filed a petition for taking compensation amount and other benefits. Report further reveals that the parents of the deceased have appeared on 14.12.2017. On that date Rs.1,87,000/- has been paid through Cheque to the parents of the deceased and further produced two documents; viz one order of work order of Block Development officer dated 30.03.2016 with regard to scheme no. 227/15-16 whereby work of Rs.75,000/- has been allotted for construction of Indira Aawas upon land appertaining to khata No. 2, plot no. 623 and another document being the order of Block Development Officer dated 31.03.2016 whereby administrative sanction for digging and construction of an irrigation well with estimated cost of Rs.2,96,000/- has been given.

7. Report further reveals that the victim is landless and no actual benefit has been given to her till date. It was further decided that if actual benefits of aforesaid scheme have been given to the victim than it will be sufficient. It is decided to bring the aforesaid facts to the notice of Deputy Commissioner, Palamau.

8. Accordingly, a meeting was convened in the Chamber of Principal District and Sessions Judge/President, Palamau with Deputy Commissioner, Palamau, Superintendent of Police, Palamau and Special P.P. SC/ST Act and Secretary DALSA and all facts were brought to the notice of Deputy Commissioner, Palamau and it was decided to provide benefits under the provisions of 9 schemes of NALSA.

9. From perusal of the report of Secretary, DLSA, Palamau dated 05.01.2018, the B.D.O., Patan vide letter dated 04.01.2018 informed that the father and mother are the dependents of the deceased-Angita Kumari and after the occurrence, relief amount of Rs.1,87,500/- had been given to dependents of the deceased. It was also reported that they have also been given the benefits of Prime Minister Aawas Yojana and the Aawas allotted to them is under construction. It has also been reported that due to insufficiency of land available to the dependents in the share, benefit of irrigation Well has not been extended to them, though a Hand Pump has been fixed near their land. The B.D.O. has further reported that the aforesaid dependents have also been provided with job cards under MGNREGA and they are also being provided a job under that. It has been further reported that steps are being taken for settlement of some lands in their

favour.

10. Further on 05.01.2018 a meeting of Criminal Injury Compensation Board has been convened in the matter in which the Board has determined

to provide an ad-interim compensation of Rs.1,00,000/- to the deceased and as per direction of Board, the undersigned is sending a letter to the

Deputy Commissioner, Palamau for sending requisition of the aforesaid amount of Rs.1,00,000/- to the Director, Prosecution, Govt. of Jharkhand,

Ranchi.

11. Learned APP is present. He submitted that as per the instruction received, the witnesses during course of the trial were escorted.

12. Learned APP is directed to file an affidavit duly sworn by the Dy. S.P. Headquarter, Palamau categorically stating that as to when the 12

witnesses have been examined in this case and whether they were given the protection under the provision of 15A of the SC/ST act or not.

13. Further the Special Judge, Secretary, DLSA, the Principal District Judge and Chairman, DLSA are directed to submit a fresh report regarding

the allotment of the land and what steps have been taken and the progress in allotment of the land and release of Rs.1,00,000/- to the victim as

compensation and to submit its report on the next date fixed in this case.

14. List this case on 01.02.2018. The aforesaid required report must be received to this Court latest by 01.02.2018, so that appropriate order will

be passed.

15. Till then, stay order dated 20.11.2017 regarding further proceeding shall continue.

16. Let a copy of this order be communicated to the learned Principal District and Sessions Judge, Palamau at Daltonganj, Deputy Superintendent

of Police, Secretary, DLSA, Palamau at Daltonganj and Special Judge, Palamau at Daltonganj through FAX and also a copy of this order be

handed over to Mr. Ravi Kumar Singh, learned APP for needful.