
(2001) 11 UK CK 0002

In the Uttarakhand High Court

Case No : Criminal Miscellaneous Application. No. 1016 of 2001

Sanwant Kumar Jain

APPELLANT

Vs

State of Uttaranchal and Others

RESPONDENT

Date of Decision : 02-11-2001

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 156(3), 482

Penal Code, 1860 (IPC) — Section 147, 452, 504, 506

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

Citation : (2002) 2 UC 257

Hon'ble Judges : P.C.Verma, J

Bench : Single Bench

Judgement

P.C. Verma, J.—This petition u/s 482 of the Code of Criminal Procedure has been filed by the Petitioner to quash the charge-sheet filed by the police under Sections 3(X)(XV), of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act and Sections 147, 452, 504 and 506 Indian Penal Code. FIR was lodged on the complaint filed u/s 156(3) Cri. P.C. investigation on this complaint was ordered by the Magistrate.

2. The Magistrate has to yet apply his mind on the charge-sheet submitted by the police. He shall apply his mind on the charge-sheet submitted by the police and in case he finds that the charge-sheet is based on no material, he may drop the proceedings. In case, prima facie case is made out, Magistrate shall proceed according to law and shall frame charge against the Petitioner. The Magistrate shall also consider the application for bail moved by the applicant on the same day.

3. With the above observation, the petition is finally disposed of.

4. However, any observation made in this order shall not be taken to be binding.