

(2019) 09 PAT CK 0003

In the Patna High Court

Case No : Criminal Revision No. 151 Of 2018

Shyam Sundar Yadav And Ors

APPELLANT

Vs

State Of Bihar And Ors

RESPONDENT

Date of Decision : 02-09-2019

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 397, 401

Indian Penal Code, 1860 — Section 323, 341, 447, 504

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(i)(x), 3(i)(xi)

Citation : (2019) 09 PAT CK 0003

Hon'ble Judges : Ahsanuddin Amanullah, J

Bench : Single Bench

Advocate : Krishna Prasad Singh, Shashi Kumar Sharma, Majoj Kumar, Sanjeeb Kumar Sanju, Md. Arif

Final Decision : Dismissed

Judgement

1. Heard Mr. Krishna Prasad Singh, learned senior counsel along with Mr. Shashi Kumar Sharma, learned counsel for the petitioners; learned APP for the State and learned counsel for the opposite party no. 2.

2. The petitioners have moved the Court under Sections 397 and 401 of the Code of Criminal Procedure, 1973, against the order dated 29.11.2017 passed by the Special Judge, Patna under the SC/ST (Prevention of Atrocities) Act (hereinafter referred to as the 'Act') in Special Case No. 131 of 2014, arising out of Buddha Colony PS Case No. 76 of 2013, by which their prayer for discharge has been rejected.

3. The petitioners are accused of assault and also of abusing the informant by caste name. After investigation, the police submitted charge sheet and cognizance has also been taken against the petitioners under Sections 341, 323, 447, 504 of the Indian Penal Code and 3(i)(x) and 3(i)(xi) of the Act.

4. Learned counsel for the petitioners submitted that on the last occasion, he had taken stand before the Court that there may be chances of settlement. Today, learned counsel for the opposite party no. 2 submitted that he has no instructions with regard to any settlement being possible.

5. Thus, the Court called upon learned counsel for the petitioners to assist, who submitted that the parties are next door neighbours and the dispute is with regard to building of a toilet and, thus, the allegations are concocted and false and only to harass the petitioners.

6. Learned APP and learned counsel for the opposite party no. 2 submitted that from the allegations itself, it is clear that the Sections under which the case was instituted and charge sheet submitted are made out on the basis of the investigation done by the police and statement of witnesses recorded during investigation. It was submitted that cognizance has been taken by the Court after applying its judicial mind finding the ingredients of such Sections to be borne out from the materials on record. It was, thus, submitted that once there is material to indicate commission of offences under the particular penal sections, law requires the Court to proceed with framing of charge and, thus, rightly the Court has rejected the prayer for discharging the petitioners.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties and having gone through the materials on record and the order impugned, the Court does not find any infirmity in the same so as to warrant interference.

8. Accordingly, the application stands dismissed.