

**Court No. - 91**

**Case :- APPLICATION U/S 482 No. - 33745 of 2023**

**Applicant :- Ramjeet**

**Opposite Party :- State Of U.P. And 4 Others**

**Counsel for Applicant :- Rajeshwar Prasad Sinha**

**Counsel for Opposite Party :- G.A.**

**Hon'ble Gajendra Kumar,J.**

1. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.

2. This application under Section 482 Cr.P.C. has been filed by the applicant with the prayer to quash the impugned order dated 26.2.2021 passed by Special Judge (SC/ST Act) Sonbhadra in Criminal Misc. Case No. 304 of 2020, (Ramjeet Vs. Narendra Maurya and others), under Section 156(3) Cr.P.C., Police Station Ghorwal, District Sonbhadra, pending in the court of Special Judge (SC/ST Act) Sonbhadra and further prayer to stay the further proceedings of the aforesaid case has been made.

3. It is submitted by learned counsel for the applicants that with the specific allegation of atrocity committed under section SC/ST Act, the application under section 156(3) Cr.P.C. was moved before the competent court which has been decided in a mechanical way with the observation that as the caste to which the accused person belong has not been disclosed in the contents of the application made for the registration of the FIR. The main submission of the counsel for the applicant is that mainly on this ground application under section 156(3) Cr.P.C. cannot be rejected. The order is without jurisdiction as well as in the teeth of the Apex Court's mandate in the case of **Ashabai Machindra Adhagale vs.**

**State of Maharashtra and Ors. 2009 0 Supreme(SC) 264.**

4. Learned A.G.A. opposed the prayer but did not dispute the aforesaid facts.

5. In view of the above, the order impugned dated 26.02.2021 is hereby set-aside. The matter is remanded back to the trial court concerned to decide the matter afresh in accordance with law, within a period of two months from the date of production of certified copy of this order.

6. With the aforesaid observations, the application stands **disposed of.**

**Order Date :- 12.10.2023**

Shiv