

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

**Crl. Revision No. 4105 of 2014
Date of Decision: 1.12.2015.**

Manoj and othersPetitioners

Vs.

State of Haryana and anotherRespondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. S.S.Duhan, Advocate
for the petitioner.

Ms. Dimple Jain, AAG, Haryana.

Mr. Nitin Rathee, Advocate
for respondent No. 2.

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SABINA, J.

Petitioners have filed this petition under Section 401 of the Code of Criminal Procedure, 1973 challenging the order dated 20.11.2014 whereby charges were ordered to be framed against the petitioners by the Trial Court.

Learned counsel for the petitioners has submitted that no offence under Section 3(ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 ('Act' for short) could be said to have been committed by the petitioners as no such allegations were levelled against the petitioners by the complainant and his mother while leading their preliminary evidence. In this regard, learned counsel for the petitioners has made reference to the statements of the complainant and his mother Ram Rati (Annexure P-2).

Learned counsel for respondent No. 2, on the other hand, has opposed the petition.

Respondent No. 2 had filed a complaint against the petitioners under Section 148, 149, 323, 452, 506 of the Indian Penal Code, 1860 ('IPC' for short) and Section 3 and 4 of the Act. In support of his case, complainant led his preliminary evidence. The Magistrate vide order dated 11.12.2013 ordered the summoning of the petitioners to face the trial under Section 148, 149, 323, 452, 506 IPC and Section 3 and 4 of the Act. Thereafter the case was committed to the Court of Sessions. Learned Additional Sessions Judge vide the impugned order dated 20.11.2014 ordered the framing of charges against the petitioners under Section 452, 323, 506 read with Section 149 IPC and Section 3(ii) of the Act.

Section 3 (1) (ii) of the Act reads as under:-

(1) Whoever, not being a member of a Scheduled Caste or a Scheduled Tribe-

(i) x x x x x x

(ii) acts with intent to cause injury, insult or annoyance to any member of a Scheduled Caste, or a Scheduled Tribe by dumping excreta, waste matter, carcasses or any other obnoxious substance in his premises or neighbourhood;

x x x x x x

A perusal of the statements of Mukesh and his mother Ram Rati (Annexure P-2) reveal that they have not levelled any allegations against the petitioners which would constitute an offence under Section 3(ii) of the Act.

Accordingly, this petition is allowed. Impugned order dated 20.11.2014 is set aside. Learned Additional Sessions Judge is directed to pass a fresh order, in accordance with law.

**(SABINA)
JUDGE**

December 01, 2015
Gurpreet