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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.M.C. 5747/2014

HARBHAJAN SINGH Petitioner

Represented by: Mr.Kali Charan, Advocate

versus

STATE (GOVT OF NCT OF DELHI) Respondent

Represented by: Mr.Akshai Malik, APP

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

ORDER

% **16.09.2016**

1. There is no merit in the petition for the reason both Courts below have correctly noted the law declared by the Supreme Court in the decision reported as (2008) 3 SCC (Cri.) 527 Swaran Singh Vs. State. The alleged utterances attributable to the accused which could attract an offence punishable under Section 3 of the SC and the ST (Prevention of Atrocities) Act, 1989 require the utterances to be made at a public place and heard by public persons around.

2. The learned Metropolitan Magistrate has noted that after investigation was completed no statement of a public witness could be recorded to show the commission of an offence under Section 3 of the SC and the ST (Prevention of Atrocities) Act, 1989.

3. As per the petitioner the accused knocked at the door of his house and attacked him. As per the petitioner one Prem had witnessed the incident. The statement of the said witness does not record any utterance made by the

accused which could attract the offence punishable under Section 3 of the SC and the ST (Prevention of Atrocities) Act, 1989.

4. The petition is dismissed.

PRADEEP NANDRAJOG, J.

SEPTEMBER 16, 2016

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