

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31767 of 2014

Arising Out of P.S.Case No. -144 Year- 2011 Thana -SC/ST District- SITAMARHI

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1. Ram Julum Sah S/o Late Satahu Sah
 2. Shanti Devi W/o Ram Julum Sah Both Resident of Village Saukhi, P.S. Riga, District Sitamarhi.

.... Petitioners

Versus

1. The State of Bihar
2. Kaliya Devi W/o Late Tulsi Paswan Resident of Village Saukhi, P.S. Riga, District Sitamarhi.

.... Opposite Parties

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Appearance :

For the Petitioners : Mr. Pushpendra Kumar Singh, Advocate
For the Opposite Parties : Mr. Dr. Mayanand Jha, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 07-08-2017

This application under section 482 of the Cr.P.C. has been filed to quash the order dated 16.05.2014 passed by learned Ist Additional Sessions Judge-cum-Special Judge, Sitamarhi in Trial No.172 of 2013 arising out of Hajipur SC/ST P.S.Case No.144 of 2011 whereby and whereunder the learned Special Judge refused to discharge the petitioners from the offence in question.

2. Heard and perused the record.

3. The informant lodged an information with SHO of SC ST police Station Sadar Hajipur alleging inter-alia that the petitioner no.1 engaged her to look after his cattle and agreed to pay 5 Kg. grain every day and also gave amount of Rs.500/- on the eve of Holi. The



informant worked at the place of petitioner no.1 for two months but the petitioners did not pay the wages on one pretext or the other. The informant left the work. She has further alleged that on 05.05.2011 when she was going to work, these petitioners and other co-accused surrounded her in front of their door. They abused naming her caste and asked as to why she left their work. They caught hold of her hair and threw on the ground and assaulted by kick and slaps. On the basis of written report, the above case was registered. The matter was investigated and police submitted chargesheet against the petitioners.

4. The learned counsel for the petitioners submits that the full sister of the present informant had entered into an agreement for sale of land in favour of Madan Paswan. Subsequently, the sister of the present informant did not executed sale deed and a complaint case no.1504 of 2010 was filed by said Madan Paswan. In the said complaint case, petitioner no.1 had deposed against the sister of the informant which caused annoyance and so the informant lodged the case at the instance of her sister in order to harass the petitioners. The allegation of abusing and assaulting is omnibus. The occurrence of assault and abusing allegedly took place at the door of the petitioners which was not in public view and so no offence under Section SC/ST is made out. The learned Special Judge has erred in rejecting the prayer of discharge as there is no material against the petitioners for



framing the charges.

5. The learned APP opposed the submission.

6. On perusal of FIR, it appears that both the petitioners are named in the FIR and specific allegation is that they abused and assaulted the informant in public view. The matter was investigated and police submitted chargesheet against the petitioners. The learned Magistrate finding sufficient material on record for framing charges has refused to discharge the petitioners. The defence of the petitioners as regards their false implication cannot be taken into consideration as his defence at the time of framing of charge.

7. In this view of the matter, I do not find any illegality in the impugned order. Accordingly, this application is dismissed.

(Sanjay Kumar, J)

B.Kr./-

AFR/NAFR	NAFR
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