

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9485 of 2014

Arising Out of PS.Case No. -1198 Year- 2012 Thana -COMPLAINT CASE District- JAMUI

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1. Baleshwar Tanti S/O Late Borhan Tanti
2. Nitish Tanti S/O Baleshwar Tanti
3. Manish Tanti S/O Baleshwar Tanti
4. Vikash Tanti S/O Baleshwar Tanti All Are Resident Of Village- Kendih,
P.S.- Khaira, District- Jamui

.... Petitioner/s

Versus

1. The State Of Bihar
2. Ravi Paswan S/O Chandrika Paswan Resident Of Village- Kendih, P.S.-
Khaira, District- Jamui

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha

For the Opposite Party/s : Mr. Ram Shankar Das (Spl.App))

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

6 24-07-2017 Head learned counsel for the petitioners, the State
and opposite party no.2.

This application under Section 482 Cr.P.C., 1973 has
been filed by the petitioners challenging the order dated
22.01.2013 passed by Sri S.C.Kumar, learned Judicial Magistrate,
1st Class, Jamui, in Complaint Case No. 1198C/2012 whereby the
learned Magistrate has taken cognizance under Sections 323, 379
of the Indian Penal Code and Section 3(1) (X) of SC/ST
Prevention of Atrocities Act,1989 against the petitioners.

The allegation as leveled by the complainant, in brief,
is that while the complainant was guarding the crops in the field



the accused persons turned up there and started to cut maize crops. On his protest they assaulted him and forced to return back to his house. In the meanwhile they cut the paddy crops. They again came at his house, abused him in filthy language, insulted him by naming his caste and assaulted with lathi.

Learned counsel appearing on behalf of the petitioners submits that the Judicial Magistrate has no jurisdiction to take cognizance of the offence under SC/ST Act. Only Special Court has got jurisdiction to take cognizance under any offence of SC/ST Act. The second submission is that no prima facie case under SC/ST Act is made out. There is no allegation of insult of the complainant in public view. The petitioners are members of Scheduled Caste.

Learned counsel for opposite party no.2 submits that the petitioners were the members of other community and they were not the members of Scheduled Caste. It is only in 2016 'Tanti' caste has been included as Scheduled Caste in the Schedule. There is specific allegation against the petitioners of insulting the complainant in public view.

Having considered rival submissions of the parties and on perusal of the records, the Court is of the view that there is no ground for interfering with the order of cognizance. Section 14 of



Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 was substituted by amendment in the year 2016. The amendment portion is in effect from 26.01.2016. The exclusive Special Courts are required to be established for speedy trial of cases registered under the Act and such court if established shall have power to directly take cognizance but prior to that Judicial Magistrate of 1st Class had jurisdiction to take cognizance under SC/ST Act. In this case cognizance was taken on 20.01.2013. Moreover, going through the contents of the complaint, there appears allegation of insult in public view prima facie case is made out and on the alleged date of occurrence, admittedly, the petitioners were not the members of Scheduled Caste, so finding no illegality in the impugned order, this application stands dismissed.

(Arun Kumar, J)

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