

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47187 of 2013

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1. Ram Naresh Bhagat Son of Late Baudh Bhagat Resident Of Village-
 Mathiya, Police Station- Vijaipur, District- Gopalganj.

.... Petitioner/s

Versus

1. The State Of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Lokesh Kumar Singh

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

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

03/ 25.05.2017

Heard learned counsel for the petitioner as well as learned

Addl. Public Prosecutor for the State.

Petitioner has filed this petition under section 482 of the Cr.P.C for quashing the order dated 02.05.2013 passed by the Chief Judicial Magistrate, Gopalaganj in Vijaipur P.S. Case no. 200/2012 by which and whereunder the learned court below took cognizance for the offences punishable under sections 341, 323, 447, 504 of the Indian Penal Code as well as section 3(i) (X) of the SC/ST (Prevention of Atrocities) Act against the petitioner and also for quashing the proceeding arising out of the aforesaid order.

Submission on behalf of the petitioner is that no case under section 3(i) (X) of the SC/ST (Prevention of Atrocities) Act is made out but even then the learned court below has taken cognizance for the aforesaid offence.

It is settled principle of law that cognizance is taken of the offence and not accused and, therefore, if there is no material in the



case diary to proceed under section 3(i) (X) of the SC/ST (Prevention of Atrocities) Act, petitioner may raise the aforesaid plea before the court below at the time of framing of the charge or at an appropriate stage.

With the aforesaid observations, this petition stands disposed of.

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(Hemant Kumar Srivastava,J)

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