

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.178 of 2015

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1. Kaushallya Devi W/o Sri Bishwanath Ram Resident of Village - Narhan
Amba, P.S. Amba, District Aurangabad, Bihar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Kamaldeo Prasad, S/o not Known, at present posted as Panchayat
Secretary, village Panchayat Telhara P.S. Amba District Aurangabad, Bihar.
3. Parikha Ram, S/o Sahdeo Ram, resident of Village Narhar - Amba, P.S.
Amba, District Aurangabad, Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pranav Kumar
Mr. Praveen Kumar
Mr. Uday Pratap Singh
For the Respondent/s : Mr. Shyam Bihari Singh(App)

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER**

2 07-03-2017 Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor representing the State.

The petitioner is the complainant of Complaint
Case No. 607 of 2013, corresponding to Trial No. 1891 of
2014. He is aggrieved by order, dated 03.12.2014, passed
by learned Judicial Magistrate, 1st Class, Aurangabad,
whereby he has taken cognizance of the offences
punishable under Sections 323 and 504 of the Indian Penal
Code, but has not taken cognizance of the offence
punishable under Section 3 (i) (x) of the Schedule Castes
and Schedule Tribes (Prevention of Atrocities) Act.

Learned Counsel appearing on behalf of the



petitioner has submitted that though essential ingredients to constitute offence under the provisions of Section 3 (i) (x) of the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act were present, learned Court below has erroneously refused to take cognizance of the offences punishable under the said provision.

From the complaint petition, I find that there is allegation against the private opposite parties of abusing and assaulting the complainant at the door of the petitioner's house. They are said to have assaulted her and taken her caste name.

I have perused the contents of the complaint petition. There is no allegation that the said occurrence took place within public view.

Learned Counsel for the petitioner has vehemently argued that since other persons were present there, the occurrence should be treated to have taken within public view.

The said submission cannot be accepted in view of the nature of allegation made in the complaint petition and the place of occurrence, as described in the complaint petition.

The Court is not mindful of the fact that there is growing tendency of misuse of provisions of the Schedule



Castes and Schedule Tribes (Prevention of Atrocities) Act and, therefore, a careful approach is required to be taken while dealing with such case.

I do not find any merit in this application. This application is accordingly dismissed.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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