

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.45898 of 2016

Arising Out of PS.Case No. -250 Year- 2014 Thana -PARIHAR District- SITAMARHI

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1. Deyali Pandit @ Ram Dyal Pandit, son of Late Kishori Pandit, Resident of Village- Sahjauli, P.S.- Parihar, District- Sitamarhi.
 2. Bashishth Pandit, son of Late Kisor Pandit, Resident of Village- Sahjauli, P.S.- Parihar, District- Sitamarhi.
 3. Shreshth Pandit, son of Kari Pandit, Resident of Village- Sahjauli, P.S.- Parihar, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar
2. Shivji Ram, son of Ramautar Ram, Resident of Village- Sahjauli, P.S.- Parihar, District- Sitamarhi.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raja Ram Rai, Advocate
For the State : Mr. Sadanand Paswan, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT
Date: 06-08-2018

In the instant application preferred under section 482 of the Code of Criminal Procedure (for short 'the Cr.P.C.'), the petitioners have challenged the order dated 08.08.2016 passed in Sessions Trial No. 121 of 2016 arising out of Parihar P.S. Case No. 250 of 2014 by the learned Additional District & Sessions Judge-I-cum-Special Judge S.C./S.T. Act, Sitamarhi whereby the application preferred under section 227 of Cr.P.C. seeking discharge from the prosecution under Section 341, 323, 325 and 504 of the Indian Penal Code and Section 3 (1)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been dismissed.



2. In the opinion of this court, in view of the provision of appeal prescribed under section 14A(1) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, an appeal would lie against the order passed by the learned Special Judge in which cognizance has been taken of the offences punishable under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. In that view of the matter, the application under section 482 of the Cr.P.C. would not be maintainable.

4. Accordingly, this application is disposed of as not maintainable.

5. If so advised, the petitioner may assail the order impugned by filing an appropriate appeal in accordance with law.

(Ashwani Kumar Singh, J)

Md.S./-

AFR/NAFR	NAFR
CAV DATE	N.A.
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