

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58189 of 2017

Arising Out of PS.Case No. -201 Year- 2016 Thana -BIHRA District- SAHARSA

- =====
1. Brahm Dev Singh, Son of Late Babulal Singh,
 2. Sintu Singh @ Shailendra Kumar Singh, Son of Brahm Dev Singh,
- Both resident of Village- Purikh, Police Station- Bihra, District- Saharsa.

.... Petitioners

Versus

1. The State of Bihar.
2. Ajay Ram, Son of Chano Ram, Resident of Village- Purikh, Ward No.4,
Police Station- Bihra, District- Saharsa.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Kanhaiya Prasad Singh, Advocate
Mr. Birendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Sadanand Paswan, SPP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 02-08-2018 This application under Section 482 of the Code of Criminal Procedure has been filed by the petitioners for quashing the order dated 07.10.2017 passed by the learned Additional District and Sessions Judge-1st-cum-Special Judge, Saharsa in Bihra P. S. Case No. 201 of 2016 whereby and whereunder cognizance has been taken for the offence punishable under Sections 147, 148, 149, 341, 323, 324, 307, 302 and 504 of the Indian Penal Code as well as Sections 3(1)(r), 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of



Atrocities) Act, 1989.

In the opinion of this Court, in view of the specific provision of appeal provided under Section 14A(1) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, an application under Section 482 of the Code of Criminal Procedure would not be maintainable against an order passed by the special court.

In that view of the matter, the instant application preferred under Section 482 of the Code of Criminal Procedure is disposed of as not maintainable.

The petitioners would be at liberty to challenge the impugned order by way of filing an appeal in accordance with law before this Court.

In case the petitioners furnish a copy of the first information report and the impugned order, the registry shall place the same on record and return the certified copy of the first information report and the impugned order to the learned counsel for the petitioners.

(Ashwani Kumar Singh, J.)

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