

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.9026 of 2018

Arising Out of PS.Case No. -23 Year- 2016 Thana -SC/ST District- JEHANABAD

=====

1. Najni Parveen @ Najmi Parveen, daughter of Akwar Abadi,
2. Md. Tamanna, son of Akbar Abadi,
Both resident of village- Ikkil Dhorha, P.S.- Makhdumpur, (Tehta O.P.),
District- Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar
2. Gulab Manjhi, son of Late Tegu Manjhi, Resident of Village- Malathi, P.S.-
Makhdumpur (Tehta), District- Jehanabad.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Shivendra Prasad, Advocate
For the State : Mr. Jharkhandi Upadhyay, APP

=====

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT
Date: 20-08-2018

The defects, as pointed out by the Registry, are ignored.

2. This application under Section 482 of the Code of Criminal Procedure (for short 'the Cr.P.C.') has been filed by the petitioners for quashing the order dated 24.10.2016m passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Jehanabad in Session Trial No.90 of 2016 arising out of Jehanabad SC & ST P.S. Case No.23 of 2016 whereby he has taken cognizance of the offence, *inter alia*, under Section 3(1)(s)(w)(i) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act and summoned the petitioners to face trial.



3. Section 14-A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'the Act') provides that notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), an appeal shall lie from any judgment, sentence or order, not being an interlocutory order, of a Special Court or an Exclusive Special Court to the High Court both on fact and on law.

4. In the present case, since the order impugned has been passed by a Special Court and the same is not an interlocutory order, in case the petitioners are aggrieved by the same, the remedy would be in an appeal under Section 14-A(1) of the Act and not under Section 482 of the Cr.P.C.

5. In that view of the matter, the instant application filed under Section 482 of the Cr.P.C. is dismissed as not maintainable.

6. However, the petitioners would be at liberty to challenge the order impugned by way of filing an appropriate appeal in accordance with law.

(Ashwani Kumar Singh, J)

Md.S./-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	23.08.2018
Transmission Date	23.08.2018

