

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.45560 of 2018

Arising Out of PS.Case No. -37 Year- 2017 Thana -COMPLAINT CASE District- KISANGANJ

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Pankaj Dixit son of Shri Bhagwati Prasad Dixit at present posted as District Magistrate, Rohtas, P.S.- Sasaram Town, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar
2. Surendra Kumar Sudhanshu son of Late Hari Narayan Ram, resident of village- Kharhana, P.S.- Dhansoi (Rajpur), District - Buxar at present Statics Officer, Kishanganj (Bihar).

.... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Satyabir Bharti, Advocate
	:	Ms. Aparna Arun, Advocate
	:	Mr. Alok Chandra, Advocate
For the Opposite Party No.2	:	Mr. D.K.Singh, Advocate
For the State	:	Mr. Binay Kirshana, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date: 03-08-2018

Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the complainant/opposite party no.2.

2. This application under Section 482 of the Code of Criminal Procedure (for short 'the Cr.P.C.') has been filed by the petitioner for quashing the order dated 20.09.2017 passed by the learned Special Judge (SC/ST Act), Kishanganj in Complaint Case No.37C of 2017 corresponding to Special Case No.57 of 2017 by which he has summoned the petitioner finding a *prima facie* case to be made out under Section 3(1)(r) (s)(u)(v) and Section 4 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities)



Act, 1989.

3. In view of the statutory provision of appeal prescribed under Section 14-A(1) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, this application under Section 482 of the Cr.P.C. challenging the order summoning the petitioner-accused after taking cognizance of the offence under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, would not be maintainable.

4. In that view of the matter, this application is disposed of with liberty to the petitioner to challenge the order impugned by way of filing statutory appeal as provided under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

5. In case the petitioner furnishes a photo copy of the order impugned, the Registry shall return the certified copy of the order impugned to the learned counsel for the petitioner after retaining the photo copy on record.

(Ashwani Kumar Singh, J)

Md.S./-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	08.08.2018
Transmission Date	08.08.2018

