

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.42378 of 2017

Arising Out of PS.Case No. -110 Year- 2013 Thana –VIDYAPATI NAGAR District-
SAMASTIPUR

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1. Arjun Singh, S/o Late Sukan Singh

2. Mithilesh Singh @ Mithilesh Kumar Singh S/o Late Sukan Singh

3. Bachcha Singh S/o Arjun Singh

All R/o Village- Mou Dhaneshpur (South), P.S. - Vidyapati Nagar, District -
Samastipur.

.... Petitioners

Versus

1. The State of Bihar.

2. Munshi Paswan S/o Late Anand Lal Paswan R/o Village Mou Dhaneshpur
(South), P.S. - Vidyapati Nagar, District - Samastipur.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar, Advocate

For the Opposite Party/s : Mr. Binay Krishna, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 03-04-2018

This application under Section 482 of the Code of Criminal Procedure (for short 'Cr. P.C.') has been filed by the petitioners for quashing of the order dated 23.05.2017 passed in Sessions Trial No.94 of 2014/23 of 2014 by the learned Special Judge SC/ST Act, Samastipur whereby he has summoned the



petitioners as additional accused in terms of Section 319 of the Code of Criminal Procedure in connection with Vidyapati Nagar P.S. Case No.110 of 2013 dated 31.08.2013 in which trial is going on for the offences punishable under Sections 302 read with 34 and 201 read with 34 of the Indian Penal Code and Section 3(ii)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. In view of Section 14A(1) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, an appeal would lie against any order which is not interlocutory in nature by the Special Court before this Court. The order impugned summoning the petitioners as additional accused under Section 319 of the Cr. P.C. is not an interlocutory order.

3. Hence, an application under Section 482 of the Code of Criminal Procedure would not be maintainable against the order impugned. Thus, the application is dismissed as not maintainable.

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

5. In case the petitioners furnish a copy of the order impugned, the Registry shall retain the same on the record



and hand over the certified copy of the impugned order to the learned counsel for the petitioners.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.04.2018
Transmission Date	04.04.2018

