

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No.138 of 2018

Nitesh Agrawal, S/o Gulabchand Agrawal, aged 30 years, R/o In front of Town Hall, Raigarh, P.S. Kotwali, Tahsil and District Raigarh, Chhattisgarh

---- Applicant

versus

State of Chhattisgarh through S.H.O., P.S. Kotwali, Raigarh, Tahsil and District Raigarh, Chhattisgarh

--- Respondent

For Applicant	:	Shri Tarkeshwar Nahak, Advocate
For Respondent	:	Shri Bhaskar Payashi, Panel Lawyer

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

25.10.2018

1. With the consent of Learned Counsel appearing for the parties, the matter is heard finally.
2. The instant revision is directed against the order dated 10.11.2017 passed by the Special Judge under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act (henceforth 'the Act'), Raigarh in Case No.1 of 2016, whereby the Learned Special Judge has framed charges against the present Applicant under Sections 420, 467, 468, 471 and 120B of the Indian Penal Code and Section 3(2)(v) of the Act.
3. Learned Counsel appearing for the Applicant submits that he confines his arguments only to Charge No.6 framed by the Special Judge, whereby the Special Judge has framed the said charge stating that the present accused/Applicant along with other co-

- ### **“3. Punishments for offences of atrocities.—**

XXX

XXXX

(v) commits any offence under the Indian Penal Code (45 of 1860) punishable with imprisonment for a

term of ten years or more against a person or property knowing that such person is a member of a Scheduled Caste or a Scheduled Tribe or such property belongs to such member, shall be punishable with imprisonment for life and with fine;”

6. A bare perusal of the above-quoted provision of Section 3(2)(v) of the Act makes it clear that since offence under Section 420 of the Indian Penal Code is not punishable with imprisonment for a term of 10 years or more, framing of Charge No.6 by the Trial Court is not in accordance with law.
7. Resultantly, the revision is allowed in part. Charge No.6 is quashed. It is directed that the Trial Court, after hearing both the parties, shall frame Charge No.6 afresh in accordance with law.

Sd/-

(Arvind Singh Chandel)
JUDGE