

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15726 of 2015

Arising Out of PS. Case No.-1 Year-2014 Thana- SC/ST District- Buxar

=====

Bajrangi Singh Son of Late Bhagwan Singh resident of Village-
PokharahanKritpura, P.s - Buxar Muffasil, District- Buxar

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Surendra Kumar Ram Son of Late Nathuni Ram Resident of Village-
LaxmipurKritpura P.s- BuxarMuffasil, District- Buxar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Dr. Chandra Shekhar Azad, Advocate
For the Opposite Party/s : Mr.Sadanand Paswan Spl.App

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 15-11-2019 Heard Mr. Dr. Chandra Shekhar Azad, learned

advocate for the petitioner and Mr. Pradhan Murli

Manohar Prasad for opposite party no. 2.

The petitioner seeks quashing of the order

dated 06.02.2015 passed by the learned Chief Judicial

Magistrate, Buxar in connection with SC/ST Buxar P.S.

Case No. 1 of 2014, whereby cognizance has been taken

under Sections 341, 323, 420, 504, 506/34 of the

Indian Penal Code and Section 3(i)(x) of the SC/ST Act.

The offence alleged is of the year 2015 and

therefore the amended provisions of SC/ST Act would



not be applicable to the facts of this case.

The prosecution case is that father of Puja Kumari, who is the petitioner before this Court along with others collected money from the villagers fraudulently in the name of the organization run under the name and style of Shivalik Rural Development and Women Welfare Society of which the informant/opposite party no. 2 claims to be Secretary. When money was demanded by opposite party no. 2 from the petitioner and other accused persons, the petitioner is alleged to have entered into the office of opposite party no. 2 on 18.10.2011 and assaulted him and also took away Rs. 40,000/- from the drawer of his table. Another occurrence is said to have taken place on 13.01.2014 at about 12 o' clock in the day when the petitioner is alleged to have entered in the office chambers of opposite party no. 2 and addressed him by taking his caste name.

On the basis of the aforesaid allegation the



subject FIR was lodged against the petitioner under various Sections of the Indian Penal Code and Section 3(i)(x) of the SC/ST Act.

Learned counsel for the petitioner submits that the accusation is absolutely vague in as much as it has not been stated in the FIR that what was the amount collected by the petitioner and his associate and from whom. None of the persons who are alleged to have been defrauded by the petitioner have ever come before the investigating agency against the petitioner and others. Apart from this, it has been urged that when an occurrence had taken place in his office chambers in the year 2011, there was no justification for lodging a case regarding the same in the year 2014.

With respect to the offence under Section 3(i)(x) of the SC/ST Act, learned counsel for the petitioners drew the attention of this Court to the allegation in the FIR that caste name of the opposite party no. 2 was called out in his office chambers on 13.01.2014. The FIR



is absolutely silent about such abusive words delivered by the petitioner being heard by any member of the public. Even if the allegation is accepted to be *ex facie* true, it would not come within the mischief of Section 3(i)(x) of the SC/ST Act. Lastly, it has been submitted that almost similar accusations have been hurled against the petitioner by opposite party no. 2 in the year 2012 and a complaint case also has been lodged against the petitioner with almost similar allegation.

As opposed to the aforesaid contention, learned counsel for the opposite party no. 2 submits that during the course of investigation, the petitioner is said to have promised to return the money which he had taken from the villagers by some fraudulent means.

Such statement cannot be the basis for prosecuting the petitioner especially when the accusation is vague and case with respect to an occurrence of 2011 was lodged in the year 2014.

Considering the aforementioned aspect of the matter



and taking into account that the case has not travelled beyond the stage of cognizance up till now, this Court is of the view that in order to secure the ends of justice, the prosecution of the petitioner ought not to be allowed to be continued.

The order taking cognizance and the resultant criminal prosecution arising therefrom is quashed.

The application stands allowed.

(Ashutosh Kumar, J)

krishna/-

U		T	
---	--	---	--

