

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2120 of 2019

Arising Out of PS. Case No.-42 Year-2012 Thana- SC/ST District- Sheikhpura

SHARDA DEVI Wife of Late Vishnu Choudhary @ Bishni Chy Resident of
Village - Pinjari, P.O.- Lodhipur, P.S.- Barbigha, District- Sheikhpura

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Kaushal Singh Son of Late Niwas Singh @ Sri Singh Resident of Village -
Pinjari, P.O.- Lodhipur, P.S.- Barbigha, District- Sheikhpura
3. Milan Singh Son of Ram Chandra Singh Resident of Village - Pinjari, P.O.-
Lodhipur, P.S.- Barbigha, District- Sheikhpura

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Amish Kumar, Adv.

For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

8 23-09-2019 Heard learned counsel for the appellant as well as
learned APP.

Instant appeal has been preferred at the instance of
appellant/informant having been provided with legal assistance
by the High Court Legal Committee by appointing Sri. Amish
Kumar, learned counsel, figuring in the panel of High Court
Legal Committee.

Appellant is aggrieved by the judgment dated
11.01.2019 by Special Judge, SC/ST (POA) Act in connection
with Sessions Trial No. 24/2016 arising out of Sheikhpura
Harijan PS Case No. 42/2012 whereby and whereunder,
appellant has been found aggrieved on account of finding so



recorded by the learned lower court releasing the respondents No. 2 and 3 for an offence punishable under Section 341, 323, 504/34 of the IPC giving benefit under Section 3 of the Probation of Offenders Act while disbelieving the prosecution version relating to Section 354 of the IPC as well as 3(i)(x) of the SC/ST(POA) Act.

The occurrence is of the dated 27.09.2012. The scenario has changed after 2016 Amendment. Learned counsel for the appellant has tried to convince that the Amendment should be taken up in retrospective manner and in the aforesaid background, it be presumed that informant belonged to a member of SC/ST was subjected to atrocity and in the aforesaid background, there would have been application of Section 3 of the SC/ST (POA) Act and to justify the same referred (2018)1 SCC 742 [Asharfi vs. State of Uttar Pradesh].

Learned APP opposed the same.

Pre Amendment existing law relating to SC/ST (POA) Act has been considered in the case of Khuman Singh v. State of Madhya Pradesh in Cr. Appeal No. 1283/2019 arising out of SLP (Crl.) No. 6647 of 2018 and the finding so recorded by the learned lower court is duly covered thereby.

Accordingly, instant appeal lacks merit and is



accordingly, rejected.

(Aditya Kumar Trivedi, J)

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