

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No.286 of 2018

Shatrughan Rajput, S/o Shri Jhumuk Rajput, aged about 60 years, R/o Village Badra (B), P.S. Pathariya, District Mungeli, Chhattisgarh

---- Applicant

versus

State of Chhattisgarh through S.H.O. Pathariya, District Mungeli, Chhattisgarh

--- Respondent

For Applicant	:	Shri Dheerendra Pandey, Advocate
For Respondent	:	Smt. Smriti Shrivastava, Panel Lawyer

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

20.3.2019

1. Heard on admission.
2. This revision has been preferred against the order dated 17.1.2018 passed by the Special Judge under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act (henceforth 'the Act'), Mungeli in Special Case No.19 of 2017, whereby the Special Judge has rejected the application moved by the Applicant under Section 323 of the Code of Criminal Procedure.
3. A trial is going on against the Applicant before the Special Court for the offence punishable under Sections 452, 354, 323 of the Indian Penal Code and Section 3(1)(b) of the Act. In the case, FIR was lodged against the Applicant by the Complainant at 3:00 p.m. and later on at 3:30 p.m. a separate FIR was lodged by the Applicant against the Complainant. On the basis of the FIR lodged by the Applicant/accused, a criminal case is pending before the Chief Judicial Magistrate, Mungeli. Therefore, an application under Section 323 of the Code of Criminal Procedure was preferred by the Applicant/accused, which has been rejected by the Special

Court on the ground that in both the cases, time of the incident is different and place of the incident is also different and, therefore, both the cases are not counter cases. The order of the Special Court is a well reasoned order.

4. Resultantly, I do not find any merit in this revision. It is, therefore, dismissed at the admission stage itself.

Sd/-
(Arvind Singh Chandel)
Judge