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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
 + **CRL.M.C. 3699/2016**

UDAI SHANKAR JHA Petitioner
 Through: Mr. Shekhar G. Devasa & Mr. Rakesh
 Raushan, Advs.

versus

STATE & ANR Respondents
 Through: Mr. Sanjeev Sabharwal, APP for the
 State.
 Mr. (appearance not given), Adv. for
 complainant/R-2.

CORAM:
HON'BLE MR. JUSTICE R.K.GAUBA

ORDER
 % **14.01.2019**

By order dated 07.11.2014 on the criminal complaint (no. 48/1/2013) of the second respondent, the petitioner was summoned by the Metropolitan Magistrate, along with three others, for offences punishable under Sections 323/354/448/506/34 of Indian Penal Code, 1860 (IPC) and Section 3 of The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. The said order was challenged by the petitioner in the court of sessions invoking its revisional jurisdiction by C.R. No. 03/2015 which was repelled, his revision petition having been dismissed by order dated 13.05.2016.

Seeking to assail the said two orders of the courts below, the present petition was filed under Section 482 Cr.P.C., the sole contention raised here being that the Metropolitan Magistrate did not have the jurisdiction to take cognizance of offence under Section 3 of The Scheduled Castes and the

Scheduled Tribes (Prevention of Atrocities) Act, 1989, it being subject to the jurisdiction of a special court constituted by the said Act by virtue of Section 14. This aspect, it is argued, has escaped the attention of both the Metropolitan Magistrate as also the court of session sitting in revisional jurisdiction.

The learned counsel for the second respondent, after having taken a pass over and having taken instructions during the interregnum, submits that the second respondent (the complainant) does not press the continuation of the proceedings before the Metropolitan Magistrate on the said complaint on the accusations for the offence under Section 3 of The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, it being conceded that the order to that extent was without jurisdiction.

The impugned order whereby the petitioner was summoned additionally on the accusations for the offence Section 3 of The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 are modified, the proceedings to that extent against the petitioner as indeed against the three others similarly summoned are hereby dropped. The proceedings for the other offence, however, will continue in accordance with law, the petitioner and other accused persons, being entitled to raise all their defences on merits qua such other accusations.

The petition is disposed of with these directions. This also disposes of the pending application.

R.K.GAUBA, J

JANUARY 14, 2019/nk
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