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HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 451 of 2019**

- Dilbai Bareha, D/o Shri Bhagwani Bareha, aged about 30 years, Occupation- Aanganbadi Sahayika R/o Dhondhapur, P. S. Pathariya, District- Mundgeli, (C.G.).

---- Petitioner**Versus**

1. State of Chhattisgarh, through the Secretary, Department of Home Affairs, Mantralaya, Mahanadi Bhawan, New Raipur, District- Raipur (C.G.).
2. Inspector General of Police, Bilaspur Range, Bilaspur (C.G.).
3. Superintendent of Police, Mungeli District Mungeli (C.G.).
4. Station House Officer, Police Station Pathariya, District Mungeli (C.G.).
5. Station House Officer, Schedule Caste Scheduled Tribe Police Station, Mungeli, (C.G.).
6. Jitendra Singh Rajput, S/o Maujiram Rajput, aged about 24 years, R/o Dhondhapur, P. S. Pathariya, District Mungeli (C.G.).
7. Karan Singh Rajput, S/o Maujiram Rajput, aged about 39 years, R/o Dhondhapur, P.S. Pathariya, District Mungeli (C.G.).
8. Khuleshwar Rajput, S/o Maujiram Rajput, aged about 30 years, R/o Dhondhapur, P.S. Pathariya, District Mungeli (C.G.).

---- Respondents

For Petitioner	: Mr. Rahul Tamaskar, Advocate
For State/Respondent Nos. 1 to 5	: Mr. Rakesh Sahu, Dy. G. A.
For Respondent Nos. 6 to 8	: Mr. Rajkumar Pali, Advocate

Hon'ble Shri Justice Narendra Kumar Vyas
Order on Board

13.08.2021

1. The petitioner has filed this petition under Section 482 of Cr. P.C. against the order dated 28.08.2018 passed by the Special Judge, Mungeli, District Mungeli in Special Case No. 3/2018 and direct the police to further investigate the matter properly and seized the clothes of accused and prosecutrix, for fair and just adjudication of the matter.
2. Learned counsel for the respondent Nos. 6 to 8 would raise an objection with regard to maintainability of the present Cr.M.P. and would further submit that as per Section 14A of The Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, (In short "Act of 1989") the impugned order is appealable and he would refer Section 14-A of the Act which is extracted below:

"14A. Appeals.-(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), an appeal shall lie to the High Court against an order of the Special Court or the Exclusive Special Court granting or refusing bail."
3. From perusal of the above said provision, it is quite clear that the remedy of appeal is available to the present petitioner as the impugned order dated 28.08.2018, does not fall within the ambit of interlocutory order as right of the prosecutrix has been substantially effected and particular proceedings have been culminated therefore, it can not be called as interlocutory order.

4. Learned counsel for the petitioner would submit that in view of such position of law, he seeks permission of this Court to withdraw of the petition with liberty to file an appeal as provided under Section 14-A of Act of 1989
5. The prayer seems to be just and proper therefore the Instant petition is disposed of with a liberty to the petitioner to file appeal as per provision of Act of 1989.
6. The certified copy of the impugned order be returned to the petitioner by Monday on furnishing the photocopy of the same.

Sd/-

(Narendra Kumar Vyas)
Judge

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