

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53868 of 2021

Arising Out of PS. Case No.-37 Year-2018 Thana- BUXAR COMPLAINT CASE District-
Buxar

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Nand Gopal Prasad Son Of Late Rajkishore Prasad Resident Of Village- East
Sevaknala Road, Hanuman Fatak, P.S. Buxar (M), District- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Sri Bachan Ram Son Of Late Vigan Ram Resident Of Village- Baruna,
Police Station- Itadhi, District- Buxar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajiv Ranjan Kr. Pandey, Adv.

For the Opposite Party/s : Mr. Binay Krishna, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 12-05-2022 Heard learned counsel for the parties.

The petitioner has preferred this quashing application against the cognizance order dated 02.02.2021 passed by learned Additional District & Sessions Judge, Ist-Cum-Special Judge, (SC/ST Act), Buxar by which he took cognizance after protest of the informant under Sections 341, 323, 338, 504 and 506 of the Indian Penal Code and Section 3 Sub-Clause (1)(r) and (s) of SC & ST Act in SC/ST Case no.37(C)/2018.

At the outset, learned APP submits that as per Section 14(A) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities Act, 1989), it is clear that against the said order passed by the learned Special Judge (SC/ST Act) only an appeal



will lie.

It is important to quote the said provision of the Act,
which is as below;

"14A. Appeals.-(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, an appeal shall lie, from any judgment, sentence or order, not being an interlocutory order, of a Special Court or an Exclusive Special Court, to the High Court both on facts and on law.

(2) Notwithstanding anything contained in sub-section (3) of section 378 of the Code of Criminal Procedure, 1973, 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) Notwithstanding anything contained in any other law for the time being in force, every appeal under this section shall be preferred within a period of ninety days from the date of the judgment, sentence or order appealed from:

Provided that the High Court may entertain an appeal after the expiry of the said period of ninety days if it is satisfied that the appellant had sufficient cause for not preferring the appeal within the period of ninety days:

Provided further that no appeal shall be entertained after the expiry of the period of one hundred and eighty days.

(4) Every appeal preferred under sub-section (1) shall, as far as possible, be disposed of within a period of three months from the date of admission of the appeal."

Learned counsel for the petitioner after some arguments seeks permission to withdraw this application with a liberty to prefer an appeal against the order. Since he had



preferred application under Section 482 of the Code of Criminal Procedure, the delay in filing the appeal may be condoned, if such petition is file within a month.

The application is dismissed as withdrawn.

(Rajiv Roy, J)

Prakash Narayan /-

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