

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68159 of 2021

Arising Out of PS. Case No.-6 Year-2019 Thana- SC/ST District- Nawada

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Munna Kumar @ Munna Chaudhary S/O Suresh Chaudhary Resident Of
Village- Velley Sharif, P.S.- Nawada, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Krishna Deo Raj

For the Opposite Party/s : Mr.Usha Kumari 1

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 18-08-2022 Heard learned counsel for the parties.

The present application has been filed for quashing of the order dated 06.02.2020 passed by the learned Additional District and Sessions Judge-1-cum-Special Judge, Nawada in Special (H) Case No. 31 of 2019 arising out of Nawada SC/ST P.S. Case No. 06 of 2019 whereby final form has been accepted.

Learned counsel for the petitioner submits that after investigation the police has filed final form against accused persons on 31.08.2019 without the notice being served to the informant/petitioner, though from the order dated 17.12.2019, it appears that direction was issued by the learned court below to issue notice to the informant but notices were not validly served to the informant. It is further submitted that from the order dated 23.01.2020, it appears that service report of the notices issued to the informant was awaiting but in spite of that impugned order



dated 06.02.2020, accepting the final form, has been passed without giving an opportunity of hearing to the informant which is gross violation of natural justice which is mandatory under the provision of Section 15(A) of the SC/ST (Prevention of Atrocities) Amendment Act. It is further submitted that it is admitted fact that petitioner has not appeared before the learned court below, hence, he could not file the protest petition.

Learned counsel for the State submits that since the petitioner had not appeared before the learned court below, hence, the order of accepting final form was passed.

Considering the facts and circumstances of the case and the fact that there is nothing on record to suggest that notices were validly served upon the petitioner/informant, the order dated 06.02.2020 is quashed and the same is remanded back to the learned court below with a direction to pass a fresh order after giving opportunity of hearing to the parties in accordance with law.

Accordingly, the present application is disposed of.

(Anjani Kumar Sharan, J)

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