

Item No.22
Ct.No.34
dc.

C.R.R. 1337 of 2018

Sanjit Kumar Das & Ors.
versus
The State of West Bengal & Anr.

In Re: An Application under Section 482 of the Code of Criminal Procedure, 1973 filed for quashing of the proceedings in Spl.PA 04 of 2018 arising out of Raiganj Police Station Case No. 254 of 2018 dated 16.05.2018 under Sections 143/186/145/147/149/325/332/353/307 of the Indian Penal Code and Sections 3(i)(r)/3(v) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (subsequently amended in 2015) pending before learned Additional Sessions Judge, 1st Court, (Special Court), Raiganj, Uttar Dinajpur.

Mr. Bikash Ranjan Bhattacharya, Sr. Adv.,
Mr. Uday Sankar Chattopadhyay,
Mr. Suman Sankar Chatterjee,
Mr. Santanu Maji,
Ms. Snigdha Saha,
Mr. Pronoy Basak,
Mr. S. Das,
Ms. Trisha Rakshit ... For the Petitioners.

Mr. Abhra Mukherjee,
Mr. Dipankar Mahata ... For the State.

The present revisional application has been preferred challenging the proceedings arising out of Raiganj Police Station Case No. 254 of 2018 dated 16.05.2018 under Sections 143/186/145/147/149/325/332/353/307 of the Indian Penal Code and Sections 3(i)(r)/3(v) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (subsequently amended in 2015).

I have perused the FIR, the statement of the witnesses as also the charge-sheet which has been submitted under the same Sections. I find that the subject matter of the FIR was

regarding obstruction of road, unlawful assembly and restraining the complainant from discharging his duty. The complaint also refers to training for deployment of counting in Panchayat General Election, 2018. The petitioners are the Assistant Teachers of different schools which are exclusively government aided schools.

This Court called for a report through the learned advocate appearing for the State as a contention was advanced that some of the accused persons are belonging to the scheduled caste community and as such, the provisions of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act may not be applicable to them at least both for registration of the case and subsequent filing of the charge-sheet.

I have assessed the nature of the allegations and the number of assistant school teachers who have participated in the activity which has been termed to be unlawful. Primarily from the facts, which surfaced out the grievance of the petitioners were regarding their conditions of deployment for the counting of Panchayat General Election, 2018 and the same do not substantiate that there was any intention or motive for committing any offence under the provisions of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act. If there was any abuse being held which touched the community of a person that could have been an offence under the Indian Penal Code, but nowhere it transpires that the scheduled caste and the scheduled tribe

community were insulted with a purposeful cause. The Officer who was complainant and working in the post of Sub-Divisional Magistrate, Raiganj, Uttar Dinajpur and an Officer of WBCS Executive rank should have been cautious particularly, as some of the accused persons also belonged to scheduled caste community.

I have no hesitation to hold that the offences under Sections 143/186/145/147/149/325/332/353/307 of the Indian Penal Code are, *prima facie*, made out and are to be considered regarding their applicability at the stage of consideration of charge, but so far as the provisions of Sections 3(i)(r)/3(v) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act are concerned, the same are not applicable and the proceedings so far as the Special Act is concerned are required to be quashed.

Accordingly, the revisional application being CRR 1337 of 2018 is partly allowed.

The learned court is directed to proceed with Raiganj Police Station Case No. 254 of 2018 dated 16.05.2018 under Sections 143/186/145/147/149/325/332/353/307 of the Indian Penal Code.

Interim order, if any, is hereby vacated.

All pending connected applications, if any, are consequently disposed of.

All parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)