

IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMC No.706 of 2012

Abani Kumar Kanungo ***Petitioner***
M/s. M. Kanungo, Senior Advocate and associates, Advocates
-versus-
State of Odisha and another ***Opposite Parties***
Mr. S. N. Das, ASC

CORAM:
THE CHIEF JUSTICE

Order No.

ORDER
13.05.2022

17. 1. The Judicial Magistrate First Class (JMFC), Salipur has in G.R. Case No.244 of 2010 taken cognizance *inter alia* of the offence under Section 3(1)(x) of the SC and ST (Prevention of Atrocities) Act.
2. In terms of the judgment of the Supreme Court in ***Shantaben Bhurabhai Bhuriya v. Anand Athabhai Chaudhari, 2021 SCC OnLine SC 974***, it is plain that the Magistrate could not have straightaway taken cognizance when the amendment to Section 14 of the SC and ST (PoA) Act that had not yet been carried out. The Magistrate should have committed the case to the Special Court.
3. On that short ground, the impugned order is set aside. The case is remanded to the JMFC, Salipur to be proceeded afresh in accordance with law.
4. The petition is disposed of. The interim order passed earlier stands vacated.

5. The Superintendent of the concerned Branch is directed to immediately communicate this order to the concerned Subordinate Court.

(Dr. S. Muralidhar)
Chief Justice

M. Panda

