

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 1084 of 2017

Situ @ Prakash Bhoi and others* *Petitioners

Mr. Bijay Kumar Ragada, Advocate
-versus-

State of Odisha and another* *Opposite Parties

Mr. Janmejaya Katikia, AGA for State
M/s. A.K. Mohanty, Advocate & Associates for OP No.2

**CORAM:
THE CHIEF JUSTICE**

**ORDER
18.11.2022**

Order No.

03. 1. The challenge in the present petition is to an order dated 12th August, 2016 passed by the learned S.D.J.M., Sambalpur in G.R. Case No.761 of 2016 arising out of Dhama P.S. Case No.30 of 2016 taking cognizance against the Petitioners for the offence under Sections 341/294/506/34 of IPC read with Section 3(x) of the SC and ST (POA) Act.
2. This Court has heard the submissions of learned counsel for the parties. Apart from the fact that Petitioner Nos.2, 3 and 4 themselves belong to the SC community and, therefore, the SC and ST (POA) Act is not applicable to them, it is obvious that the S.D.J.M could not have taken cognizance of the offence under that Act as he was not authorized to do so.
3. Consequently, the impugned order only to the extent it takes cognizance of the offence under Section 3(x) of the SC & ST (POA)

Act against the Petitioners is hereby quashed. The rest of the impugned order is left undisturbed.

4. The CRLMC is disposed of in the above terms. 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.

S. Behera



(Dr. S. Muralidhar)
Chief Justice