

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3094 of 2016

Sri Narasingh Rout and others* *Petitioners

M/s. B.K. Biswal, Advocate and associates

-versus-

State of Odisha and another* *Opposite Parties

Mr. J. Katikia, A.G.A. for the State

**CORAM:
THE CHIEF JUSTICE**

Order No.

**ORDER
25.11.2022**

04. 1. Despite service of notice on Opposite Party No.2 and he having been represented by lawyers earlier, today none appears on his behalf.
2. The challenge in the present petition is to an order dated 1st July 2016 passed by the learned JMFC, Narasinghpur in ICC No.86 of 2013 taking cognizance *inter alia* of the offences under Sections 447/294/323/379/506 read with Section 34 of IPC as well as Section 3 of the SC & ST (PoA) Act.
3. As far as the impugned order has taken cognizance of the offence under Section 3 of SC & ST (PoA) Act, it appears to be without jurisdiction since that can be done only by the Special Court under under Section 14 of the SC & ST (PoA) Act.
4. On that short ground, the impugned order dated 1st July 2016 of the JMFC, Narasinghpur in ICC Case No.86 of 2013 is modified by deleting the portion where cognizance is taken against the

Petitioners for the offence under Section 3 of the SC & ST (PoA) Act. The interim order passed earlier stands vacated.

5. The CRLMC is disposed of in the above terms. A copy of the order be sent forthwith to the Court concerned.

6. Issue urgent certified copy of this order as per rules.

(Dr. S. Muralidhar)
Chief Justice

S.K. Guin

