



Crl.R.C.No.786 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.R.C.No.786 of 2022

A.J.Suresh Kumar

... Petitioner

Versus

1.Shri Mohapatra
Ex-Executive Director (F/N),
Now-Finance Consultant,
Food Corporation of India,
Head Quarters,
16/20, Barakhamba Lane, New Delhi-110 001.

2.Shri. R.D.Nazeem, I.A.S.,
Executive Director,
Food Corporation of India,
Zonal Office,
No.8, Haddows Road, Chennai-600 006.

... Respondents

Prayer: Criminal Revision Case is filed under Sections 397 and 401 of Cr.P.C., against the order of the Hon'ble Principal Sessions Judge, Chennai in Special S.C.No.1 of 2022 dated 29.03.2022.

For Petitioner : Mr.S.Arokia Mani Raj
for Mr.M.Manoj



Crl.R.C.No.786 of 2022

WEB COPY

ORDER

This revision is filed as against the order of the learned Principal Sessions Judge, Chennai in Special S.C.No.1 of 2022 dated 29.03.2022, in and by which the learned Judge dropped the further proceedings in the private complaint filed under Section 200 Cr.P.C.

2. The learned Judge has dropped the proceedings on the ground that the complainant has not filed the sworn affidavit and no other witnesses have also been examined.

3. The learned counsel for the petitioner would submit that such an approach by the learned Sessions Judge is erroneous in law and the petitioner is ready and willing to examine the witness and no such opportunity was given to the petitioner.

4. Be that as it may, this Court perused the complaint filed by the petitioner. The gist of the allegations in the complaint is that the lawful promotion was not granted to the petitioner and therefore, he filed a petition before the National Commission for the Scheduled Castes and



Crl.R.C.No.786 of 2022

WEB COPY

the Scheduled Tribes, seeking appointment of a Committee to look into his grievance and to submit report. The said Committee has submitted its report that there is no backlog vacancy. Therefore, alleging that the said Committee has willfully and wantonly submitted a false report and this complaint has been filed for the offences under Sections 3(1)(p), 3(1)(q), 3(2)(vi), 3(2)(vii) and 4(1) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. Section 3(1) (p) of said Act, reads as follows:

(p) institutes false, malicious or vexatious suit or criminal or other legal proceedings against a member of a Scheduled Caste or a Scheduled Tribe.

5. Therefore, there is no allegation that any malicious or vexatious suit or criminal or other legal proceedings are initiated in this case. Therefore, Section 3(1)(p) of the said Act is not made out in this case.

6. The other offence alleged in the complaint by the petitioner is under Section 3(1)(q) of the Act, which reads as follows:

(q) gives any false or frivolous information to any public servant and thereby causes such public servant to use his lawful power to the injury or annoyance of a member of a Scheduled Caste or a Scheduled Tribe;

7. The gravamen of the offence complained under Section 3(1)(q)



Crl.R.C.No.786 of 2022

WEB COPY

of the act says that a false or frivolous information to any public servant and thereby causes such public servant to use his lawful power to the injury or annoyance of a member of a Scheduled Caste or a Scheduled Tribe. In this case, though it is alleged as false information and denial of promotion to be petitioner, cannot be said to be an injury or annoyance to the member of Scheduled Caste or a Scheduled Tribe within the meaning of the said section. This section covers an offence like giving a false complaint against the member of the Scheduled Caste or a Scheduled Tribe.

8. For example, even without proper investigation, just because of a person belonging to Scheduled Caste or a Scheduled Tribe community and suspecting him that he would have done such kind of offence and foisting a false complaint against him like theft and lodging a case against the person to the police etc., would come under this Section and the offence is not made out in the case on hand which is a service matter.

9. The next offence complained by the petitioner under Section 3(2)(vi) and 3(2)(vii) of the Act, reads as under:



Crl.R.C.No.786 of 2022

(vi) knowingly or having reason to believe that an offence has been committed under this Chapter, causes any evidence of the commission of that offence to disappear with the intention of screening the offender from legal punishment, or with that intention gives any information respecting the offence which he knows or believes to be false, shall be punishable with the punishment provided for that offence; or

(vii) being a public servant, commits any offence under this section, shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to the punishment provided for that offence.

10. On the plain reading of the above two sections are that when anybody has reason to believe that the offence has been committed, causes disappearance, the offence under Section 3(2)(vi) would attract. Again, if the said person is a public servant Section 3(2)(vii) would attract. Therefore, the said offences are not made out.

11. Finally, violation of Section 4(1) of the said Act, is complained. This also again relates to any public servant willfully neglecting his duty to be performed under this Act. Therefore, I am of the view that *prima-facie* the complaint does not disclose any offence under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. Therefore, the order of the learned Principal



Crl.R.C.No.786 of 2022

Sessions Judge cannot be interfered.

WEB COPY

12. I am of the considered view that there is no merits in this case and accordingly, this Criminal Revision Case is dismissed and the order passed by the learned Principal Sessions Judge, Chennai in Special S.C.No.1 of 2022 dated 29.03.2022, is hereby confirmed.

24.06.2022

Index : Yes / No

Speaking Order : Yes / No

ssn

To

1. The Principal Sessions Judge,
Chennai.

2. The Inspector of Police,
Anthiyur Police Station,
Erode District.

3. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.R.C.No.786 of 2022

D.BHARATHA CHAKRAVARTHY, J.,

ssn

Crl.R.C.No.786 of 2022

24.06.2022