

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1274 of 2018

Arising Out of PS. Case No.-346 Year-2008 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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Amit Das Son of Dayanand Das, Resident of Mohalla-Chunihari Tola, Kali
Asthan, P.S.-Kotwali, District-BHagalpur.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Pramod Kumar Vrma @ Vicky Verma, Son of Mahabir Verma, Resident of
Mohalla-Chanihari Tola, P.S.-Kotwali, District-Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dharendra Nath Jha
For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI

ORAL ORDER

7 15-12-2023 Heard the learned counsel for the parties.

2. The instant revision is directed against a
judgement and order of conviction and sentence passed by
the learned Additional District and Sessions Judge -III –
cum – Special Judge, Scheduled Castes and Scheduled
Tribes (Prevention of Atrocities) Act, Bhagalpur in G. R.
No. 1791 of 2008.



3. In the aforesaid case, the accused person was charged with offence under Sections 341 and 323 of the Indian Penal Code read with Section 3 (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

4. The learned Trial Judge held accused guilty for committing offence under Sections 341 and 323 of the Indian Penal Code and convicted and sentenced him according to law. However, the informant has filed the instant revision on the ground, stating, *inter alia*, that though there were sufficient evidence in the record in support of the charge under Section 3(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, the learned Trial Judge most illegally and by way of improper consideration or non-consideration of evidence on record, acquitted the accused of the charge under Section 3(x) of the Act.

5. Learned Advocate for the Informant / Petitioner submits that in their evidence, P.W. I-Neetu Devi, P.W. 3-Raju Das and P.W. 4-Amit Das/Informant clearly stated on oath that the accused abused him saying that the informant



belongs to “Chamar”, a low caste.

6. The learned Judge refused to take into consideration of such evidence on the ground that in the complaint itself, it was not specifically stated by the Informant that he accused abused him saying “Chamar”.

7. Having heard the learned Advocate for the petitioner and learned APP, this Court is of the view that the First Information Report is not an encyclopedia. It is a mere statement of fact which is required to set the criminal administration of justice in motion. The material evidence is what the witnesses stated in dock on oath. The evidence of P.W. 1, P.W. 3 and P.W. 4 had lost sight of the learned Trial Judge.

8. In view of such circumstances, whiling allowing the instant revision, this Court directs the learned Trial Judge to reconsider the evidence adduced by the witnesses on behalf of the prosecution in respect of the charge under Section 3(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and pass a reasoned judgement on the said charge. The remaining part of the judgement with regard to conviction



and sentence under Sections 341 and 323 of the Indian Penal Code stands affirmed.

9. Accordingly, the instant revision stands allowed.

(Bibek Chaudhuri, J)

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