

06.10.2023
Court No.4
Sl. No. 1
PA

**HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

CRR 81 of 2023

**Vikash Jaiswal @ Vikash Kr. Jaiswal @
Vikash Kumar Jaiswal
Vs.
State of West Bengal and Anr.**

Mr. Sayan De
Ms. Esha Acharya
Mr. Kaustav Shome
.... for the Petitioner

Mr. Aditi Shankar Chakraborty, Ld. APP
Mr. Nilay Chakraborty
Mr. Saurav Ganguly
...for the State

1. The Learned Counsel appearing on behalf of the State has raised the issue that an appeal shall lie, from any judgment, sentence or order, passed by a special Court or an exclusive special Court under **the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Act, 1989**, to the High Court both on facts and on law. In support of his contention the Ld. Counsel has placed Section 14A of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. Relying on the aforementioned section, Ld. Counsel appearing on behalf of the state has prayed for rejection of the instant criminal revision.

3. The Ld. Counsel appearing on behalf of the petitioner has controverted the contention of the Ld. Counsel appearing on behalf of the State. He has relied upon an authority published in 2021 SCC Online SC 966.

4. First of all let the Section 14A of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 is placed which lays down as follows:

“14A. Appeals.-(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), an appeal shall lie, from any judgment, sentence or order, not being an interlocutory order, of a Special Court or an Exclusive Special Court, to the High Court both on facts and on law.

(2) Notwithstanding anything contained in sub-section (3) of section 378 of the Code of Criminal Procedure, 1973 (2 of 1974), an appeal shall lie to the High Court against an order of the Special Court or the Exclusive Special Court granting or refusing bail.

(3) Notwithstanding anything contained in any other law for the time being in force, every appeal under this section shall be preferred within a period of ninety days from the date of the judgment, sentence or order appealed from:

Provided that the High Court may entertain an appeal after the expiry of the said period of ninety days if it is satisfied that the appellant had sufficient cause for not preferring the appeal within the period of ninety days:

Provided further that no appeal shall be entertained after the expiry of the period of one hundred and eighty days.

(4) Every appeal preferred under subsection (1) shall, as far as possible, be disposed of within a period of three months from the date of admission of the appeal.”

5. From the said section 14A it is apparent that an appeal shall lie from any judgment, sentence or order, not being an inter locutory order, of a Special Court or an Exclusive Special Court to the High Court.

6. In this instant lis the petitioner has preferred the instant criminal revision praying for quashing of the proceedings arising out of the Bhaktinagar police station case No. 72 of 2023 dated 02.02.2023 under Sections 498A/417/376/495/506/34 of the Indian Penal Code, 1860 read with sections 3 (1)(r)(s) of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

7. Being aggrieved by and dissatisfied with the proceedings arising out of the said

Bhaktinagar police station case the petitioner has preferred the instant revisional application.

8. The petitioner has not preferred the instant revisional application against any judgment or sentence or final order. As such the instant criminal revision being preferred against an interlocutory order of a Special Court that is the order of proceeding the case, the petitioner is not barred under Section 14A of the said Act. As such the *challenge of maintainability of the instant criminal revision* is **disallowed**.

9. This Court now takes up the instant criminal revision on merit.

10. The petitioner has preferred the instant revision praying for rescinding, cancelling, setting aside and quashing of the proceeding in the light of the facts and circumstances of the aforesaid case.

11. On going through the First Information Report dated 31.01.2023 lodged by the opposite party No.2/complainant. It is apparent that there are incriminating materials against the petitioner namely Vikash Jaiswal.

12. Considering the aforesaid facts and circumstances this Court is not inclined to rescind, cancel, set aside and/or quash the proceedings

arising out of the Bhaktinagar Police Station case No. 72 of 2023 dated 02.02.2023.

13. Hence it is ordered that the *instant criminal revision* is **dismissed**.

(Supratim Bhattacharya, J.)