

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1451 of 2024

Arising Out of PS. Case No.-9 Year-2023 Thana- PATNA COMPLAINT CASE District-
Patna

=====

Binod Das S/o Prameshwar Das R/o Mohalla- Mahadeo Nagar, P.S.-
Shekhpura, Dist.- Shekhpura

... .. Appellant/s

Versus

1. The State of Bihar
2. Gautam Prasad S/o Not known Office Branch Manager, R/o G4 S- Security Solution (India), Private Limited, CIN No. U74920DL1988PTCO31060H-27 Ground Floor, Vidaya Bhawan, Vashant Vihar Colony, Boring Road, Patna, P.S.- Sri Krishnapuri, Dist.- Patna-1 Bihar
3. Yashwant Singh S/o- Not known Operation Manager, R/o G4 S- Security Solution (India), Private Limited, CIN No. U74920DL1988PTCO31060H-27 Ground Floor, Vidaya Bhawan, Vashant Vihar Colony, Boring Road, Patna, P.S.- Sri Krishnapuri, Dist.- Patna-1 Bihar
4. Uttpalkant Tiwari S/o- Not known HR Manager, R/o G4 S- Security Solution (India), Private Limited, CIN No. U74920DL1988PTCO31060H-27 Ground Floor, Vidaya Bhawan, Vashant Vihar Colony, Boring Road, Patna, P.S.- Sri Krishnapuri, Dist.- Patna-1 Bihar

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr.Arun Kumar
For the Respondent/s : Mr.Usha Kumari 1

=====

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 26-06-2024 Heard the parties.

2. The present appeal has been preferred against the order dated 19-02-2024 passed by the learned Exclusive Special Court (SC/ST) Act, Patna in Complaint Case No. 09(C) of 2023 whereby and whereunder, the learned court below dismissed the complaint filed by the appellant/complainant under Section-203 of the Cr.P.C..



3. The complainant filed the complaint stating that he was working as a Guard in a private Company named and styled as “G4S Secure Solutions India Pvt. Ltd”. It is alleged that the accused persons being employees and manager of the company, abused him by calling his caste name and also assaulted him. They also forced him to resign. Thereafter, he made complaint before the Schedule Caste Commission, Bihar.

4. Learned counsel for the appellant has submitted that the learned court below committed illegality dismissing the complaint petition under Section 203 of the Cr.P.C. since there were adequate materials for issuance of summons against the accused persons. He has also submitted that the complainant has also filed a petition before the Schedule Caste Commission, on the basis of which, an inquiry was made and the case was found true.

5. In the complaint petition, the complainant has stated that he was working in the company since the year, 2011 but the Enquiry Witness No. 1 who is also a security guard has stated that he was working as a guard in the company for one year and six months. The complainant has also filed a case in the Labour Court for resolution of the dispute between the employees and the employer.



6. Considering the contradiction in the statement of complainant and the enquiry witness, the learned court below did not find prima facie materials for issuance of summons and accordingly, he dismissed the petition.

7. I do not find any illegality, irregularity or impropriety in the impugned order.

8. Accordingly, the present appeal stands dismissed.

(Nawneet Kumar Pandey, J)

A.K.V.//-

U		T	
---	--	---	--

