

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31283 of 2023

Arising Out of PS. Case No.-20 Year-2020 Thana- MASHRAK District- Saran

1. Harendra Upadhyay Son Of Late Rameshwar Upadhyay R/O Village- Jajauli, P.S.- Mashrakh, District- Saran
2. Satyendra Upadhyay Son Of Late Rameshwar Upadhyay R/O Village- Jajauli, P.S.- Mashrakh, District- Saran
3. Upendra Upadhyay Son Of Late Rameshwar Upadhyay R/O Village- Jajauli, P.S.- Mashrakh, District- Saran
4. Shoshindra Upadhyay @ Shashindra Upadhyay Son Of Late Rameshwar Upadhyay R/O Village- Jajauli, P.S.- Mashrakh, District- Saran
5. Raja Upadhyay Son Of Late Tukar Upadhyay R/O Village- Jajauli, P.S.- Mashrakh, District- Saran
6. Saroj Upadhyay Son Of Late Baleshwar Upadhyay R/O Village- Jajauli, P.S.- Mashrakh, District- Saran
7. Sandeep Upadhyay @ Sandeep Kumar Upadhyay Son Of Late Baleshwar Upadhyay R/O Village- Jajauli, P.S.- Mashrakh, District- Saran

... .. Petitioners

Versus

1. The State Of Bihar
2. Tetra Devi Wife Of Devlal Ram R/O Village- Jajauli, P.S.- Mashrakh, District- Saran

... .. Opposite Parties

Appearance :

For the Petitioners : Mr.Koshalendra Rai, Advocate
For the Opposite Party : Mr.Sadanand Paswan, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 29-03-2024 Heard learned counsel for the parties.

2. This petition has been filed for quashing order dated 20/3/2021 passed by the Special Judge, Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (herein after referred to as 'the SC/ST Act'), Saran at Chapra taking cognizance in Mashrakh P.S. case no. 20/2020 (SC/ST Trial No. 53/2021) against the petitioners under sections



147,341,323,504,506 I.P.C. and 3(i) (r) (w) /3 (2) (va) S.C./S.T.
Act and also to quash the entire criminal proceeding.

3. At the outset, learned counsel for the State submits that the petitioners should file an appeal while challenging cognizance order passed for offences punishable under SC/ST Act. He submits that order of the Special Court or an Exclusive Special Court is not an ‘interlocutory order’, and, therefore, an appeal would lie against such order under Section 14A(1) of the SC/ST Act. In this regard, reliance is placed on the judgment of Hon’ble Division Bench of this Court dated 9.8.2023, passed in Criminal Appeal No. 4792 of 2018.

4. Learned counsel for the petitioner does not controvert the aforesaid proposition of law.

5. In view of the aforesaid order of this Court, present quashing petition is dismissed with liberty to file an appeal, if so advised.

(Prabhat Kumar Singh, J)

Shashi

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

