

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2901 of 2023

Arising Out of PS. Case No.-25 Year-2017 Thana- SC/ST District- Purnia

Rajesh Paswan son of Mohan Paswan Village- Thana Chowk Ps- K. Hat Dist-
Purnea

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Md. Akhtar ali son of Late Safdar Ali Mohalla- thana Chowk, Ps K. Hat
Dist- Purnea
3. Husaina Khatoon wife of Md. Akhtar Ali Village- Thana Chowk Ps- K. Hat
Dist- Purnea
4. Ahmad Ali son of Md. Akhtar Ali Village- Thana Chowk Ps- K. Hat Dist-
Purnea
5. Shamad Ali son of Md. Akhtar Ali Village- Thana Chowk Ps- K. Hat Dist-
Purnea

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Vijay Anand
For the Respondent/s : Mr.Usha Kumari 1

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

ORAL ORDER

8 16-05-2024

I.A. No. 1 of 2024

The interlocutory application No. 1 of 2024 has been
filed for condonation of delay of 69 days in preferring the
appeal.

2. For the reasons disclosed in the interlocutory
application, the delay of 69 days in preferring this appeal is
condoned and accordingly, I.A. No. 1 of 2024 is allowed.

Cr. Appeal (SJ) No. 2901 of 2023

3. Heard the learned counsel for the appellant as well



as the learned APP for the State.

4. This appeal is being filed for challenging the judgment and sentence dated 09.01.2023 passed by learned A.D.J. 1st-cum-Special Judge SC/ST, Purnea in Special SC/ST Case No. 94 of 2017 arising out of SC/ST P.S. Case No. 25 of 2017 whereby and whereunder the opposite parties/accused persons were held guilty for the offences punishable under Section 341, 323, 504, 506/34 of the IPC but at the same time also held that the prosecution has failed to prove the case against the opposite party nos. 2 to 5 under Section 3(i)(r)(s), 3(i)(g) of SC/ST Act and accordingly acquitted them.

5. Learned counsel for the appellant submits that the victim and her mother, in their depositions, stated that they were abused by the accused persons by calling their caste names but the learned court below committed illegality in not convicting the accused persons under Sections 3(i)(r)(s) and 3(i)(g) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act.

6. The learned court below, after discussing the evidences, did not find the case under these provisions against the accused persons and accordingly, they were acquitted. The learned court below specifically mentioned the evidence of



prosecution witnesses in which they did not support the version of prosecution of calling caste names.

7. The learned court below did not commit illegality in acquitting the accused persons under Sections 3(i)(r)(s) and 3(i)(g) of the SC/ST Act. Accordingly, this appeal is dismissed.

(Nawneet Kumar Pandey, J)

Kundan/-

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

