

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57861 of 2022

Arising Out of PS. Case No.-181 Year-2018 Thana- BIRAUL District- Darbhanga

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1. Tribhuwan Narayan Jha Son Of Ugra Narayan Jha R/O Village- Bairampur, P.S.- Biraul, Distt.- Darbhanga
 2. Manoj Kumar Rai Son Of Janardan Prasad Rai R/O Village- Hanshi, P.S.- Biraul, Distt.- Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sagar Paswan Son Of Late Mohit Paswan R/O Village- Pataniya, P.S.- Biraul, Distt.- Darbhanga

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Pankaj Kumar Jha, Advocate
For the Opposite Party/s :	Mr. Sadanand Paswan, A.P.P.
	Mr. Madhav Kumar, Advocate
	Mr. Gaurav Kumar Verma, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 25-04-2024 Heard learned counsel for the parties.

2. This petition has been filed for quashing order dated 16.12.2019 passed in S.C. S.T. G.R. No. 149 of 2018 arising out of Biraul P. S. Case No. 181 of 2018 by learned 1st Additional Sessions Judge-cum-Special Judge, S.C and S.T. (POA), Darbhanga by which the learned court below has taken cognizance of the offence against these petitioners for the offences punishable under Sections 147, 149, 341, 323, 307 of the I.P.C. and Sections 3(1)(s), 3(2)(v) of the S.C./S.T. (POA) Act.

3. At the outset, learned counsel for the State as well as opposite party no.2 submit that the petitioners should file an



appeal while challenging cognizance order passed for offences punishable under SC/ST Act. He submits that on bare perusal of Section 14A(1) of the SC/ST Act, it is clear 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. Section 14A(1) of the Act reads as follows:-

“14A. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, 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.”

4. 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.***

5. Learned counsel for the petitioners does not controvert the aforesaid proposition of law.

6. In view of the aforesaid proposition of law, present quashing petition is dismissed with liberty to the petitioners to file an appeal, if so advised.

(Prabhat Kumar Singh, J)

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