

19.07.2024
rc/ct.no.34
Item No.493

**CRR No. 1222 of 2023
with
CRAN No. 1 of 2024**

In the matter of : Anil Kumar Das & Ors.

.....Petitioners

Mr. Sabir Ahmed
Mr. Kapil Chandra Saha
Mr. T. Ahmed
Mr. Dhiman Banerjee

...for the Petitioner

Mr. Saibal Bapuli
Ms. Sayanti Santra

..for the State

Affidavit of service filed by the petitioners and report submitted on behalf of the State are taken on record.

The petitioners are aggrieved by the order passed by the learned Additional Sessions Judge, 1st Court, Contai, Purba Medinipur on March 02, 2023 in Criminal Revision No. 19 of 2023 whereby the learned Judge allowed inclusion of Section 3(i)(w)(i) of the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as "the Act of 1989") in the charge sheet. Such prayer was turned down by the learned Trial Court and subsequently allowed by the revisional court.

It appears that the charge sheet has been submitted in this case against the petitioners under Section 3(i)(w)(i) of the Act of 1989 besides other provisions. It is not in dispute that the schedule tribe certificate was issued in favour of the defacto complainant/ private opposite party by the Prodhan, Baghasti

Gram Panchayet in contravention of Section 5 of the West Bengal Schedule Caste and Schedule Tribe (Identification) Act, 1994 which authorizes the Sub-Divisional Officer of the Sub- Division concerned to issue such certificate.

In view thereof, this Court is inclined to hold that the certificate issued in favour of the private opposite party is de hors the law and cannot be accepted. In the result, allegation against the petitioners under Section 3(i)(w)(i) of the Act of 1989 does not lie.

This Court is informed that the learned Trial Court has fixed September 25, 2024 for consideration of charge. Learned Trial Court is directed to consider framing of charge against the accused/petitioner in the light of the observation made hereinabove.

The revisional application being CRR No. 1222 of 2023 is disposed of.

The connected application being CRAN No. 1 of 2024 is also disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh,J)