

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.260 of 2025

Arising Out of PS. Case No.-74 Year-2024 Thana- PATNA COMPLAINT CASE District-
Patna

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Ramakant Tiwari @ Ramakant S/o- Late Chandeshwar Tiwari Village- Po-
Kurkuri Ps- Paliganj Dist- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Jinesh Nand Kumar S/o- Late Basgit Ram Village- Po- Kurkuri Ps- Paliganj
Dist- Patna

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Ashish, Advocate

For the Respondent/s : Mrs. Usha Kumari 1, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 20-02-2025 Heard Mr. Ashish, learned counsel for the appellant
and Mrs. Usha Kumari-1, learned Spl. P.P.

2. The present appeal has been preferred:-

*“against the order dated 24.09.2024 passed by
Learned Exclusive Special Judge (SC/ST Act),
Patna in Complaint Case No. 74 of 2024 whereby
and whereunder the Learned Exclusive Special
Judge (SC/ST Act), Patna took cognizance against
the appellant under section 406, 417, 504 of Indian
Penal Code and Section 3(i)(r)(s), 3(2), (va) of
SC/ST Act.”*

3. As per the prosecution story, the allegation is that



the appellant took Rs.5,00,000/- from the complainant for personal use in the year 2017 and assured that the amount will be returned in two months. After the period lapsed, when the complainant wanted the amount, though in the year 2018 Rs.2,34,000/- was returned, for Rs.2,66,000/- he always chose to look the other way. On 27.07.2023, the appellant entered into an agreement with the complainant accepting that he has taken Rs.5,00,000/- in the year 2017 and will be returning (rest of) the amount in three months, failing which he can take a land in Kurkuri under his possession.

4. The money was never returned and in that background, in between though signed by some other person, a cheque of Rs.2,50,000/- was handed over on 15.04.2018 it came to be dishonored. This followed the legal notice on 15.06.2024. The allegation in the complaint is that as the complainant was moving in village Kurkuri on 23.06.2024 at 6:00 p.m. in the evening, accused person blocked him, took his caste name and after abusing and threatening as to why he has been served with legal notice, announced that neither any payment will be made nor will he be spared if he enters Kurkuri village again.

5. In that background, the compliant was filed in which, on 24.09.2024, the Court having found *prima facie* case



to be true, after two witnesses were produced/examined, took cognizance in the matter.

6. Aggrieved, the present appeal.

7. It is the case of the appellant presented by learned counsel that it is a purely civil dispute and only to implicate, the SC/ST Act has been incorporated. Further, there is no question of the accused being angry as the cheque does not have his signature and thus, it being dishonored followed by, legal notice has got no meaning to him. Further, no such incident took place and the ploy is only to get his money back. In that background, interference is required.

8. Learned Counsel for the appellant has drawn the attention of this Court to Section 15A(3) of the SC/ST Act which states that the victim and their dependents have the right to be notified of any Court proceeding including bail proceeding.

9. Section 15 A(3) of 'the Act' read as follows:

"A victim or his dependent shall have the right to reasonable, accurate, and timely notice of any Court proceeding including any bail proceeding and the Special Public Prosecutor or the State Government shall inform the victim about any proceedings under this Act."



10. Mrs. Usha Kumari, learned Spl. P.P., on the other hand, opposes the prayer and submits that agreement dated 27.07.2023 clearly shows that he accepted the payment of Rs.5,00,000/- in the year 2017, Rs.2,34,000/- was returned while for Rs.2,66,000/-, an assurance was given that it shall be paid within a period of three months. As the same was not paid and instead a cheque was issued, though, through a different name, it got dishonored which followed the legal notice.

11. The basis was there for the appellant which resulted into his intercepting the complainant when he visited on the particular day in Kurkuri village which followed the abuse, taking caste name as also threatening not to enter the village again. In that background, the Court concerned was fully justified in taking cognizance in the matter.

12. Learned Spl. P.P. on section 15 A(3) of 'the Act' submits that it is not the case where relief is being granted to the appellant for which a notice to the other side is mandatory. Here when the appeal can be dismissed at the admission stage itself, no notice is required and the submission put forward by the learned counsel for the appellant is not only baseless, is fit to be rejected.

13. Having heard the parties and perusing the record,



the learned Spl. P.P. has rightly submitted. A complete chain is made out which resulted into the alleged occurrence, where after intercepting the complainant who visited the Kurkuri village where the appellant resides, he was abused, caste name taken and threatened not to enter the village again. In that background, the Court *vide* order dated 24.09.2024 rightly took cognizance in the matter under Sections 3(i)(r)(s), 3(2),(va) of the SC/ST Act.

14. So far as the claim of the learned counsel for the appellant that under section 15 A(3) of 'the Act' even if the appeal is to be dismissed, the respondent no.2 has to be noticed/heard before that is not only absurd but fit to be dismissed outrightly. If the Court comes to the conclusion that the appeal has no merit, it has to be dismissed outrightly without any notice. As rightly pointed out by the learned Spl. PP, only when the Court thinks of interfering with the order, the respondent no.2 has to be heard.

15. Both the Criminal Appeal No.260 of 2025 as also Interlocutory Application No.01 of 2025 stand dismissed.

(Rajiv Roy, J)

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