

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1888 of 2024

Arising Out of PS. Case No.-25 Year-2021 Thana- SC/ST District- Gaya

Sidhi Nath @ Sidhi Nath Vishwakarma Son of Baldeo Vishwakarma Resident of Mohalla- Maharani Road, Behind Mamrani Mandir, Police Station- Kotwali, Dist.- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Shivbalak Yadav Son of Late Akalu Yadav Resident of Village- Mora Mardana, Police Station- Magadh University, Bodhgaya, Dist.- Gaya
3. Arun Yadav Son of Shivbalak Yadav Resident of Village- Mora Mardana, Police Station- Magadh University, Bodhgaya, Dist.- Gaya
4. Kedar Yadav Son of Shivbalak Yadav Resident of Village- Mora Mardana, Police Station- Magadh University, Bodhgaya, Dist.- Gaya
5. Chandradeo Yadav Son of Shivbalak Yadav Resident of Village- Mora Mardana, Police Station- Magadh University, Bodhgaya, Dist.- Gaya
6. Arvind Kumar Son of Kedar Yadav Resident of Village- Mora Mardana, Police Station- Magadh University, Bodhgaya, Dist.- Gaya
7. Anil Yadav Son of Kedar Yadav Resident of Village- Mora Mardana, Police Station- Magadh University, Bodhgaya, Dist.- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Manish Kumar No.2
		Mr.Aryan Singh, Adv.
For the Respondent/s	:	Mr.Binay Krishna, SPP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 04-02-2025 Heard Mr. Manish Kumar No.2, learned counsel for
the appellant and Mr. Binay Krishna, learned Special P.P.

2. Learned counsel for the appellant undertakes to
remove the defect as pointed out by the office.

3. The present memo of appeal has been filed for:

*“ This memo of appeal is being
filed for quashing the order dated-
29.03.2023 passed by the court of learned
Exclusive Special Judge, SC/ST(POA) Act,*



Gaya in SC/ST P.S. Case No. 25 of 2021 (G.R. No.- 359 of 2021), whereby and where under final form submitted by the police against the Respondent No. 2 to 7 has been accepted and the proceeding has been dropped.

4. As per the story, the appellant is a businessman and wanted a piece of land. During interaction with the accused persons in the year 2013, the said talks resulted into making payment but the land was not transferred. When they were approached, were abused with the caste name. This resulted into the present case.

5. The police investigated the matter and having examined the case, came to the conclusion that the allegations are untrue. Accordingly, it submitted the final form after noticing the appellant. The matter was ultimately taken up on 29.03.2023 and the court concerned has recorded the facts as follows:-

“1. On the fardbayan of one Sidhinath Vishwakarma, SC ST PS Case No.25/21 was registered on 28.09.2021 section 420/406/467/468/1208/504/506/34 IPC read with section 3(3) (s) and (v-a) SC/ST (POA) Act. The investigation was conducted by A.S.I. Vikrama Ram.

2. After investigation, the final form was submitted by the I.O. finding the allegation untrue. It appears that in the course of investigation, I.O. recorded



the supplementary statement of informant and statements of independent witnesses vide case diary para 04,.08.09,10.11 and 1. In the course of investigation, evidence was found deficient as no incriminating evidence against the accused recovered or discovered, 1.0. obtained the supervision note from the superior official on the basis investigation. Accordingly, the final form was submitted in the court.

3. On receipt of the final form, the informant was duly noticed but despite service of notice dated 13.02.23 nobody appeared on behalf of informant to protest. Thereafter, the record was perused including the statements of the witnesses and found no reason as to why the final form should not be accepted. Accordingly, agreeing with the investigation, the final form is accepted and further proceedings is dropped as disposed of.”

6. This has resulted into the present appeal.

7. Learned counsel for the appellant submits that before the police submitted final form, he was not noticed and any statement made by the police as recorded by the court is wrong. In that background, the order needs to be interfered with. It has further been contended by the appellant that they have not received any notice from the court also. Though, not stated in clear terms, during the submissions, he has made categorical statement that despite in the order-sheet that the notice has been issued, he never received it.



8. Learned Special PP, on the other hand, submits that any submission which is not supported by the statement made in the petition has to be discarded in the backdrop of the fact that besides the order of issuance of notice by the concerned court, on the right side of the order-sheet, it has been incorporated about the issuance of notice to the appellant. He has also taken this Court to para-3 of the order to show that besides recording that the informant was duly noticed, the court has recorded that despite service of notice dated 13.02.2023, nobody appeared on behalf of the informant to protest.

9. He accordingly went ahead and having been satisfied with the final form submitted by the police recorded that no interference is needed and accordingly, accepted the same and dropped the proceeding.

10. In that background, this Court does not deem it fit and proper to interfere in the matter, being satisfied with the findings arrived at by the court.

11. The appeal stands dismissed.

(Rajiv Roy, J)

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