

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3142 of 2023

Arising Out of PS. Case No.-17 Year-2010 Thana- KADWA District- Katihar

KAMENDRA KUMAR KAMESH Son of Late Gopal Sharan Singh Resident
of Village - Chhata Shahabad Chhotki Masaurhi, P.S.- Masaurhi, District -
Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Reeta Kumari Wife of Kalicharan Ram Resident of Village - Kumhari, P.S.-
Kadwa, District - Katihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Shivendra Prasad
For the Respondent/s : Mr.Binay Krishna

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

ORAL ORDER

6 03-07-2025 Heard the learned counsel for the appellant as well
as the learned counsel for the respondents.

2. The present appeal has been preferred against the
order dated 16.06.2023 passed by learned Additional Sessions
Judge 1st cum Special Judge (SC/ST) Katihar in GR No. 246 of
2010 arising out of Kadwa P.S. Case No. 17 of 2010 whereby
the learned Additional Sessions Judge 1st cum Special Judge
(SC/ST) Katihar has rejected the petition filed by the appellant.

3. Barsoi Kadwa P.S. Case No. 17 of 2010 was
registered under Sections 341, 342, 323, 379, 354 and 3(x) of
the Scheduled Castes and the Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (in short 'the SC/ST Act').



4. Rita Kumari is the informant. She is a teacher in the block, and the appellant is the Block Education Extension Officer. She makes allegation that on 04.02.2010, a meeting of headmasters was convened by the appellant and the informant was also present in the meeting. She asked the appellant to allow her to join as headmistress in her school since she was the senior-most teacher. The appellant then demanded illegal gratification. He became furious and also misbehaved with her, tore her blouse, assaulted her by slapping, snatched her gold chain and Rs. 10,000 and also abused her by calling her caste name. Her son Sanjeev Kumar and husband Kalicharan Rai came to rescue her, but the appellant also assaulted them.

5. Learned counsel for the appellant has submitted that the cognizance order was challenged vide Criminal Miscellaneous No. 4320 of 2011, which was withdrawn by the appellant, and it was observed by the coordinate Bench that the grounds may be taken at the time of framing of the charges. The grounds were taken at the time of framing of the charges, but vide order dated 16.06.2023 (the impugned order), the learned court below refused those grounds.

6. Learned counsel, assailing the impugned order dated 16.06.2023, has further submitted that this case was



lodged by opposite party no. 2 in order to save her skin from an earlier case lodged by the appellant, i.e., Barsoi Kadwa P.S. Case No. 16 of 2010, in which the appellant made allegation that opposite party no. 2, her husband and son created chaos during the meeting convened by the appellant. They entered the place where the meeting was going on and started putting pressure on the appellant to cancel the deputation of a teacher who was deputed in place of the son of opposite party no. 2. Learned counsel has also submitted that there is no explanation as to why the husband and son of the informant were present outside the meeting hall when the meeting of headmasters was going on. It has also been submitted that the appellant is a Block Education Extension Officer and no sanction has been obtained for his prosecution.

7. On the other hand, learned counsel for opposite party no. 2 has submitted that the occurrence took place within public view, and the appellant, with the intention to humiliate and intimidate the informant, abused her by calling her caste name, as such, the provisions of the SC/ST Act are clearly attracted in the present case.

8. From going through the material available on record, it appears that prior to the present case, the appellant had



lodged a case against opposite party no. 2, her son and husband with the allegation that they entered the meeting hall and misbehaved with the appellant. The present case has subsequently been lodged. The reason behind the occurrence appears to be some dispute between the parties relating to the deputation of a teacher in place of the son of the informant. In my view, the provisions of the SC/ST Act do not attract. So far as allegation other than that of SC/ST Act is concerned, those allegations are nothing but super addition.

9. Considering the above-mentioned facts and circumstances, the order dated 16.06.2023 passed by learned Additional Sessions Judge 1st cum Special Judge (SC/ST) Katihar in connection with GR No. 246 of 2010 arising out of Kadwa P.S. Case No. 17 of 2010 is hereby set-aside and the appeal is allowed.

(Nawneet Kumar Pandey, J)

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