

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.5087 of 2023**

Arising Out of PS. Case No.-247 Year-2023 Thana- MUNGER COMPLAINT CASE  
District- Munger

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Ramashish Paswan @ Ramashis Paswan, Son Of Late Vasudev Paswan,  
Resident Of Village - Kutulpur Diyara, Shivram Choudhary Tola, P.S. -  
Muffasil, District - Munger

... .. Appellant/s

Versus

1. The State Of Bihar
2. Sri Digwijay, presently Posted as Block Supply Officer, Sadar, District -  
Munger Bihar
3. Naushe, Son of not Known Resident Of Mohalla - Pakka Gali, Kauda  
Maidan, P. S. - Kasim Bazar, District - Munger
4. Nishant Shekhar, Son of Late Umashankar Prasad Singh, Public Distribution  
System (PDS) Dealer, Kutulpur, Village - Kutulpur Diyara, P. S. - Muffasil,  
District - Munger

... .. Respondent/s

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**Appearance :**

|                     |   |                                                           |
|---------------------|---|-----------------------------------------------------------|
| For the Appellant/s | : | Mr. Akshansh Ankit, Adv.<br>Mr. Raj Kumar Choudhary, Adv. |
| For the O.P. No.2   | : | Mr. Rajesh Kumar, Adv.                                    |
| For the State       | : | Mr. Sadanand Paswan, APP                                  |

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**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH**  
ORAL ORDER

9      23-07-2026                      The jointness affidavit filed by the learned counsel  
  
for the appellant to establish the relationship between  
  
Respondent No. 3 and the recipient of the notice, has been  
  
perused. Upon such perusal, it is deemed that Respondent No.  
  
3 has acquired knowledge of the present appeal as the notice



on behalf of respondent no.3 is received by his brother and the brother of the respondent no.3 stays with him in residential house maintained by respondent no.3 as stated by the appellant in the said affidavit. Further, the notice sent to Respondent No. 3 by registered post has been validly served, as recorded in the office notes, despite such valid service, Respondent No. 3 has intentionally chosen not to appear in the present appeal. However, the learned counsel for Respondent No. 2 is present.

2. Mr. Akshansh Ankit, learned counsel appearing for the appellant and Mr. Rajesh Kumar, learned counsel appearing for the O.P. No. 2 are present and they are heard.

3. This appeal has been preferred under Section 14A(1) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (hereinafter referred to as the "SC/ST Act") by the appellant, challenging the order dated 26.09.2023 passed by the learned Special Judge (SC/ST Act), Munger, in connection with Complaint Case No. 247C of 2023, whereby and whereunder the complaint filed by the appellant/complainant was dismissed .

4. Learned counsel appearing for the appellant, while referring to the observations made in paragraph 18



onwards by the Hon'ble Supreme Court in *Shivjee Singh v. Nagendra Tiwary & Ors.*, reported in **(2010) 7 SCC 578**, vehemently argued that while dismissing the complaint filed by the appellant, the learned trial court meticulously scrutinized the evidence adduced during the inquiry as if it was conducting a full-fledged trial, which is impermissible in law. It is further submitted that at the stage of taking cognizance or framing of charge, the evidence adduced by the complainant or the prosecution is required to be considered only to find out *prima facie* commission of alleged offences and not required to a meticulous appreciation. Learned counsel further submits that the allegations levelled by the appellant in the complaint have been duly supported by the statements of the inquiry witnesses and that there is sufficient *prima facie* material on record to constitute the alleged offences. It is also contended that the offences punishable under the SC/ST Act were committed at the appellant's PDS shop in full public view, a material aspect which has not been properly appreciated by the learned trial court. Instead, the learned trial court merely relied upon the simple contradictions regarding the dates of medical treatment and the date of occurrence to dismiss the complaint. In doing so,



the learned trial court entered into a detailed examination of the evidence and appreciated it meticulously, which was beyond the scope of consideration at the stage of taking cognizance.

5. On the other hand, learned counsel appearing for the respondent no.2 opposes this appeal and submits that the learned trial court has rightly dismissed the complaint of the appellant and sufficient reasons have been mentioned in the impugned order.

6. Heard both sides and perused the impugned order as well as the other relevant materials on record. Though, the learned trial court, while dismissing the complaint, elaborately appreciated the evidence adduced by the complainant during the course of the inquiry which was not required at that stage, however, after taking into consideration the statements of the inquiry witnesses and the allegations levelled in the complaint, this Court finds sufficient justification for the conclusion arrived at by the learned trial court in dismissing the complaint. It appears that the said complaint was filed with a malafide intention against the private respondents among them the respondent no.2 is government official as admittedly, the appellant's license had already been revoked prior to the



alleged occurrence and an appeal against the order of revocation was pending before the District Magistrate, Munger, at that time. Accordingly, this court finds no merit in this appeal, so, it stands dismissed.

(Shailendra Singh, J)

Rajiv/-

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