2026:JHHC:27273

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (S.J) No.646 of 2026
---

1. Ramchandra Yadav aged about 50 years, Son of Babun Mahto,
2. Chandradev Yadav aged about 34 years Son of Babun Mahto,
3. Babun Mahto aged about 79 years son of Late Bajo Mahto,
4. Fulwa Devi, aged about 48 years Wife of Arjun Prasad Yadav

All residents of – Matauni, P.O and P.S – Jaynagar, District - Koderma ..... **Appellants**

Versus

1. The State of Jharkhand.
2. Rajendra Ravidas, Son of – Late Daso Ravidas, Resident of – Nawadih, P.O – Parsabad, Panchyat – Tetraun, and P.S. - Jaynagar, District – Koderma (Jharkhand).

..... **Respondents**

CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Appellants : Mr. Anshuman Kumar, Advocate
For the State : Mr. Surajdeo Munda, A.P.P
For the Resp. No.02 : Ms. Manisha Shaily Nag, Advocate
Ms. Vani Kumari, Advocate

Order No.02/ Dated: 10th September, 2026

I.A. No.8730 of 2026

1. The instant interlocutory application has been filed for condoning the delay of 379 days in filing the instant criminal appeal.

2. Learned counsel for the respondent No.02 has raised no serious objection.

3. Considering the reasons assigned in the present interlocutory application, the delay in filing the present appeal is, hereby, condoned. Accordingly, I.A. No.8730 of 2026 is, hereby, allowed and disposed of.

Cr. Appeal (S.J) No.646 of 2026

1. Heard learned counsel for the appellants, learned counsel for the State and learned counsel for the respondent No.02.

2. The present criminal appeal has been filed for quashing and setting aside the entire criminal proceeding including the the order taking cognizance dated 11.11.2024, passed by the court of learned Additional Sessions Judge – I -cum- Special Judge, SC/ST Act, Koderma, in connection with Koderma SC/ ST Case No.14 of 2022, arising out of Special SC/ST Case No.05 of 2024, whereby cognizance for the offence under Sections 341, 323, 504/34 of the Indian Penal Code read with Sections 3(i)(r) & 3(i)(s) of the SC/ ST (POA) Act, has been taken against the appellants and the case is now pending in the court of learned Additional Sessions Judge – I -cum- Special Judge, SC/ST Act, Koderma.

3. Learned counsel for the appellants has challenged the order taking cognizance on the ground that it is a third F.I.R for the same incident. There is case and counter case, but the present F.I.R has been lodged by the victim, claiming himself to be a member of the SC/ST community and also the *mukhiya* of a village. The F.I.R has been lodged by the victim under the SC/ST (POA) Act, making allegation that abusement has been made in a public place.

It has further been submitted by the learned counsel for the appellants that in a case and counter case, filed by the parties, although among them, a scuffle has taken place, but no such abusement has been noted down and as such the allegation made in the present F.I.R appears to be false and frivolous and further, it is third F.I.R.

4. Learned A.P.P and learned counsel for the respondent No.02 have opposed the prayer. Learned counsel for the victim has submitted that it is a separate offence and committed *vis-a-vis* the victim, who is a member of SC/ST community. The victim has been abused in a public place and as such it is a separate offence, for which the present case has been lodged.

5. Having heard learned counsel for the parties and from perusal of the record, it appears that it is a separate offence committed under the SC/ST (POA) Act against a member of the protected community. Since the offence has been committed, at this stage, the evidence cannot be evaluated

for giving a finding whether the allegation is correct or not.

In that view of the matter, I am not inclined to interfere with the order taking cognizance. Accordingly, the present criminal appeal is, hereby, dismissed.

6. Pending interlocutory application, if any, any stands disposed of.

(Rajesh Kumar, J.)

10h September, 2026
Ravi-Chandan/-
Uploaded on 11.09.2026