2026:JHHC:27785

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Criminal Appeal (S.J) No.862 of 2026

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1. Ranjeet Kumar Sahu, aged about 30 years, S/o Late Vijay Sahu, R/o Gulzar Gali, P.O. & P.S. Simdega, District Simdega
2. Rahul Kumar Sahu, aged about 30 years, S/o Late Vijay Prasad Sahu, R/o Gulzar Gali, P.O. & P.S. Simdega, District Simdega
3. Baijanti Devi, aged about 54 years, W/o Late Vijay Sahu, R/o Gulzar Gali, P.O. & P.S. Simdega, District Simdega

…. …. Appellant(s)

-Versus-

1. The State of Jharkhand
2. Director General of Police (D.G.P), Police Headquarter D.P.R.D Building HEC Dhurwa, District Ranchi, Jharkhand
3. Superintendent of Police (S.P.), Simdega, P.O. & P.S. Simdega, District Simdega
4. Officer-in-Charge, Simdega Mahila Police Station, P.O. & P.S. Simdega, District Simdega
5. Investigating Officer, Simdega Mahila Police Station, P.O. & P.S. Simdega, District Simdega
6. Deepshikha Tirkey, aged about 28 years, W/o- Ranjeet Kumar Sahu, R/o Guljar Gali, Near Ramlal Talab, P.O. & P.S. Simdega, District Simdega

…. …. Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Appellants : Mr. Binod Kumar Dubey, Adv.
For the State : Mr. Shiv Shankar Kumar, A.P.P.

02/Dated: 15th September, 2026

1. Heard the parties.

2. The present criminal appeal has been filed for quashing of the order dated 20.06.2025 passed by the court of the learned Additional Sessions Judge-I-cum-Special Judge (SC/ST Act), Simdega in connection with Simdega Mahila P.S. Case No.04 of 2024, whereby and whereunder the learned Court below has taken cognizance for the offence under Sections 323, 313, 498-A, 34 of the Indian Penal Code, Sections 3 & 4 of the Dowry Prohibition Act and Section 3(1)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the accused.

3. Learned counsel for the appellants has submitted that earlier the appellants have moved before this Court by filing a criminal miscellaneous petition being Cr.M.P [Filing] No.13682 of 2026, but the same has been dismissed as withdrawn vide order dated 10.08.2026 by the Co-ordinate Bench of this Court. The said order reads as under:-

> "**10.08.2026** *Heard the parties.*
> *Learned counsel for the petitioners submits that the petitioners seek permission of this Court to withdraw this Criminal Miscellaneous Petition with liberty to file an appeal.*
> *Permission is accorded.*
> *This Criminal Miscellaneous Petition stands dismissed as withdrawn with the aforesaid liberty to the petitioners.*
> *The certified copy of the documents, if any, may be substituted with their photocopies.*
> *In view of withdrawal of the instant Criminal Miscellaneous Petition, pending interlocutory application, if any, stands disposed of being infructuous."*

4. On the strength of the aforesaid order, the present criminal appeal has been filed stating that no offence under the SC/ST (PoA) Act has been made out, rather, the investigation has been done by a person, who is not competent for investigating in the matter.

5. On the other hand, learned counsel for the State has submitted that the parties are related by marriage. There is a clear-cut allegation of assault and the victim is also a member of the scheduled tribe community.

6. Reference may be made to the Sections 3(2)(v), 3(2)(va) and 8(c) of the SC/ ST (POA) Act, which are quoted herein below :-

> ***"3. Punishment for offences of atrocities***.—
>
> (1) ……
> **(2)(v)** commits any offence under the Indian Penal Code (45 of 1860) punishable with imprisonment for a term of ten years or more against a person or property knowing that such person is a member of a Scheduled Caste or a Scheduled Tribe or such property belongs to such member, shall be punishable with imprisonment for life and with fine;.
> **(2)(va)** commits any offence specified in the Schedule, against a person or property, knowing that such person is a member of a Scheduled Caste or a Scheduled Tribe or such property belongs to such member, shall be punishable with such punishment as specified under the Indian Penal Code (45 of 1860) for such offences and shall also be liable to fine"
> ***8. Presumption as to offences.— In a prosecution for an offence under this Chapter, if it is proved that—***
> (a) …….
> (b) …….
> **(c)** the accused was having personal knowledge of the victim or his family, the Court shall presume that the accused was aware of the caste or tribal identity of the victim, unless the contrary is proved."

7. It has further been submitted that the victim, who has alleged the assault and she is the best witness, who has claimed that she has been assaulted by the appellants. There is enough materials for taking cognizance.

8. Having heard learned counsel for the parties and from perusal of the records, it appears that victim has supported the allegation. The Court below has rightly taken the cognizance. So far as one and another charge under different sections are concerned i.e., alteration of charge etc. for which, a separate regime has been provided. Once the ingredients of an offence have been made out, the order taking cognizance cannot be quashed.

9. Accordingly, this Court finds no reason to quash the order taking cognizance dated 20.06.2025 by the learned Additional Sessions Judge-I-cum-Special Judge (SC/ST Act), Simdega passed in connection with Simdega Mahila P.S. Case No.04 of 2024.

10. In view of the above finding, no notice is required to be issued to the victim/ respondent No.02.

11. Since the matter has been dealt with on merit and the present criminal appeal has been filed on the strength of liberty as discussed above, interlocutory application being I.A. No.12307 of 2026, in limitation matter stands allowed.

12. In the result, the present criminal appeal is hereby, **dismissed**.

(Rajesh Kumar, J.)

Dated: 15th September, 2026
Raja/- Uploaded on 17.09.2026