

(2016) 05 RAJ CK 0133

RAJASTHAN HIGH COURT

Case No: Criminal Revision Petition No. 435 of 2014

Sampat Punia

APPELLANT

Vs

State of Rajasthan

RESPONDENT

Date of Decision: May 18, 2016

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 397, Section 401
- Penal Code, 1860 (IPC) - Section 147, Section 332, Section 353
- Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 - Section 3(i)(x)

Citation: (2016) 4 CriLR 2169

Hon'ble Judges: Mr. Pankaj Bhandari, J.

Bench: Single Bench

Advocate: Mr. L.R. Upadhyay, Public Prosecutor, for the State; Mr. Tarun Dhaka, Advocate, for the Petitioner

Final Decision: Allowed

Judgement

Pankaj Bhandari, J. - The petitioner has moved this revision petition aggrieved by the order dated 14.3.2014, vide which charge has been levelled against the petitioner for offence under Section 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and for offence under Sections 147, 332 and 353 I.P.C. and Section 3 of the Prevention of Damages to Public Property Act.

2. The main contention of the Counsel for the petitioner is that at the time when the F.I.R. was lodged, there was no allegation regarding hurling of caste-based abuses and the police initially, filed the report under Sections 143, 353 & 332 I.P.C. and under the prevention of Damages to Public Property Act. Counsel for the petitioner has drawn my attention towards the statement so recorded on that date, and thereafter, on the next date, in the statement so recorded, the only mention is about hurling caste-based abuses.

3. Counsel for the petitioner has placed reliance on Gurbaksh Singh & Ors. v. State of Uttar Pradesh & Anr. application under Section 482 Cr.P.C. No. 7637/2015 dated 27.4.2015, wherein the Court has quashed the order of taking cognizance under Section 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act on the ground that the complainant has not mentioned that he was a member of SC/ST and Knowingly, the accused hurled caste-based abuses.

4. I have perused the statement.

5. The only contention is that the caste-based abuses were hurled, but what were the actual words, which were used by the petitioner, has not been mentioned in any of the statement recorded by the police, Further, the use of caste-based abuses does not find place in the F.I.R., which was lodged by Deendayal Bhati, Superintending Engineer of the Department, who happens to be senior to the person, who has after lodging of F.I.R., alleged use of caste based abuses. There being no specific mention of the caste-based abuses in the statement and also the fact that there is no allegation that the accused knowing that the officer was belonging to SC/ST, in order to disrepute him, hurled caste based abuses. Further, there is no mention of abuses in the F.I.R., I deem it proper to allow the present revision petition.

6. Consequently, the present revision petition is allowed. The impugned order to the extent charges have been framed under Section 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is set aside.