

Anil Maratha Vs. the State of Madhya Pradesh

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Court : Madhya Pradesh

Decided On : Mar-08-2013

Appellant : Anil Maratha

Respondent : The State of Madhya Pradesh

Advocate for Pet/Ap. : Shri. Prashant Shrivastava

Judgement :

Cr.R.No.684/2012 8.3.2013 Shri Prashant Shrivastava, counsel for the applicant.

Shri Ajay Tamrakar, Panel Lawyer for the respondent/State.

As prayed by learned counsel for the parties matter is heard finally.

The applicant has challenged the order dated 16.2.2012 passed by the learned Special Judge under the SC/ST (Prevention of Atrocities) Act, 1989 in Special Case No.1/2012 whereby the charge of offence punishable under Section 3(1)(x) of SC/ST (Prevention of Atrocities Act (hereinafter referred to as the Special Act.) along with the other charges were framed against the applicant.

The prosecution's case in short is that it is alleged against the applicant that he assaulted the victim Atmaram on 10.11.2011 because he entered into a compromise with some persons against whom the applicant had a quarrel.

After considering the submissions made by learned counsel for the parties and looking to the facts and circumstances of the case, it is apparent that the complainant did not mention any fact in the FIR.

In his statement under Section 313 of Cr.P.C the respondent has not submitted that quarrel took place on the basis of caste or the applicant abused him on the basis of caste and therefore, prima facie it is not established that the applicant insulted the victim on the basis of caste and therefore, no offence punishable under Section 3(1)(x) of the Special Act is made out against the applicant.

The learned Special Judge has committed an error by framing the charge under Section 3(1)(x) of the Special Act.

The charge is framed without any basis.

Case is exclusively triable by the Court of JMFC.

Under such circumstances, it appears that an error of law has been committed by learned Special Judge and therefore, it is necessary for this Court to make an interference by way of revision.

Consequently, the revision filed by the applicant is hereby allowed.

The impugned order dated 16.12.2012 is hereby set aside.

The applicant is discharged from the charge of offence punishable under Section 3(1)(x) of SC/ ST (Prevention of Atrocities) Act.

The learned Special Judge is directed to consider the matter under Section 228 of Cr.P.C for trial of the remaining offences.

Copy of the order be sent to the trial for information and compliance.

C.C as per rules.

(N.K.Gupta) Judge bina