

In the court of 1st Addl. Sess. Judge-cum-special Judge (POCSO & SC/ST),

Aurangabad.

Kasma P.S. Case No. - 20/2015

S. Tr. No. 338-A/2015/77/2015

State Vs. Chhotan Paswan

CIS No.- 5779/2015

Date:- 22.10.2019

Attendance has been filed on behalf of both accused/petitioner Chhotan Paswan @ Kartik Paswan under Section 227 of Cr.P.C. is put up for hearing. The copy of which has been served upon the prosecution has been filed.

Moving the petition it is submitted on behalf of the petitioner that Chhotan Paswan also belongs to the member of SC/ST Caste so, no case under SC/ST (POA) Act is made out against him. There is no direct and indirect evidence showing any overact done by the petitioner. Lastly, it has been prayed on behalf of the petitioner to discharge him. In support of the contentions, photocopy of caste certificate of the petitioner has been filed.

The learned Spl. P.P. opposed the prayer of bail however, he frankly admitted that petitioner belongs to SC/ST Caste so, no any offence under Sections of SC/ST (POA) Act is made out against him. However, there is sufficient material frame-charges against him for the other offences of Indian Penal Code.

Heard and perused the case record, it is admitted position that the petitioner belongs to DUSADH Caste which belongs under Scheduled Caste, so no charges under provisions of SC/ST (POA) Act are made out against him.

However, on the bare perusal of the case diary, I find that there is sufficient material in the case diary to frame charges under Sections 304, 120 (B), 506 read with Section 34 of IPC. Accordingly, the prayer of the petitioner is partly allowed. He is discharged from the charges under various provisions of SC/ST (POA) Act to which cognizance has been taken against him. However, he is directed to be charged for the offences under Sections 304, 120 (B), 506 read with Section 34 of IPC. Accordingly, charges under Sections 304, 120 (B), 506 read with Section 34 of IPC is hereby framed against the accused/petitioner to which he denied and claimed to be tried. Some offence is directed to issue summon against the charge-sheeted witnesses. Put up on dated for prosecution the evidence.

Dictated

1st.Addl. Distt. & Sess. Judge-
cum-special Judge
(POCSO, NDPS & SC/ST)
Aurangabad.