

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE-I
-cum-SPL. JUDGE,
KAIMUR AT BHABUA**

Complaint Case No. 22 of 2024
(Arising out of SC/ST PS Case No. 51/2023)

Ramashankar Ram S/o Ramcharan Ram, aged about 57 years
R/o Village-Adarsh Nuaon, PO-Kavilaspur, PS-Durgawati, Distt-
Kaimur.

.....Complainant

Versus

1. Javed Rahmat, aged about 50 years,
Labour Superintendent, Kaimur, Joint Labour Building,
Village-Itarhi, PS-Bhabhua, Distt-Kaimur.
2. Nishant Singh, aged about 35 years.
Assistant Labour Superintendent, Joiny Labour Building,
Village-Itarhi, PS-Bhabhua, Distt-Kaimur.

.....Proposed Accused

Ld. Counsel for the complainant : Sri Kashi Nath Pandey.

Ld. Counsel for the proposed accused : Shoyeb Ahmad Khan.

30.06.2026

ORDER

1. In continuation on part of hearing on 18.05.2026, 08.06.2026, 16.06.2026 and 25.06.2026, the record is moved for hearing today again as it was last opportunity to conclude the arguments to both sides on the point of taking cognizance in complaint no. 22/2024 registered on protest petition filed by the informant Rama Shankar Ram on 24.11.2023 in the proceeding of FIR No. 51/2023 dated 18.10.2023 PS

Mohania which itself arose out of complaint no. 37/2023 being sent by the Court for investigation of the complaint u/s 156(3) of the Cr.P.C. As the complaint no. 37/2023 was sent for registration of the case u/s 156(3) of the Cr.P.C. and FIR was registered, therefore, the complaint case was disposed off vide order dated 01.12.2023 by the then Presiding Officer. Therefore, final form was submitted and accepted by the Court.

2. The complainant is present along with Ld. Advocate Sri . The proposed accused appeared through their Ld. Advocate after compliance of Section 223 of the BNSS.

3. Heard both sides.

4. The Ld. Advocate of the complainant submitted that regarding occurrence on 03.05.2023 at about 12:30 hrs., the complainant had moved before the SC/ST police station but the case was not registered and, thereafter, he had moved the information through registered post before the SDPO, Bhabhua, Superintendent of Police, Bhabhua, DIG, Shahbad, Dehri and DGP, Patna and also before the SC/ST Commission, Patna but no action was taken and, therefore, he had filed a complaint petition before the Court and the same was sent for registration of the case vide order dated 02.09.2023 and, thereafter FIR No. 51/2023 was registered but the police filed final report on 23.02.2024 allegedly without recording the evidence of the witnesses of the complainant and only recorded in para nos. 34 and 35 of the case diary statement of Loknath Ram and Ravindra Ram who had supported the version of informant that the informant was pulled by the accused persons and was thrown out of the office but still the police has submitted final form and the same was accepted by the

Court vide order dated 23.02.2024 whereas the complainant had apprehension that the police in collusion with the accused persons will not investigate the occurrence fairly and, therefore, he had filed protest petition on 08.01.2024 even before filing of the final form.

5. The Ld. Advocate further submitted that the Court vide order dated 23.02.2024 while accepting the final form and not taking cognizance on the basis of final report submitted by the police, registered the protest petition earlier filed by the complainant and treated it as complaint petition and the case was fixed for recording enquiry evidence and during the inquiry the complainant got himself examined on 05.04.2024 and two enquiry witnesses were also examined in support of the facts stated in the protest petition converted into complaint petition.

6. The Ld. Advocate on behalf of the complainant submitted that the protest-cum-complaint petition is maintainable and that is why the Court had registered the protest petition as complaint case in which the complainant has stated on oath in his enquiry evidence that on 03.05.2023 at about 12:30 when he went the office of Superintendent of Labour with his labour card and inquired about the benefits, he was not responded and on repeated enquiry he was slurred "Chamar Shiyar" and pulled out of house and thereafter, Javed Rahmat called Nishant Singh that no benefit of Government Scheme will be provided unless money is given to them. Further the complainant has stated in his enquiry evidence that after that occurrence he came from the office of the Superintendent and he was slurred by both the accused persons in the presence of his community members and was told that only the person who will pay money will

get the benefit of government scheme. Regarding the occurrence he went to police station and no action was taken and, thereafter, the complaint was filed in the Court and still the accused persons are intimidating him that if he would visit the office again he may be implicated in false case. The Ld. Advocate further submitted that the witness Rama Shankar Ram (EW-1) has also stated that when he went to office of Labour Superintendent on 03.05.2023 at about 12:30 PM, Rama Shankar Ram had also came to office for making his labour card, then he saw that Labour Superintendent Javed Rahmat and Nishant Singh both were slurring him “Chamar Shiyar” and shut him out of the office stating no benefit of the government scheme will be given unless money is paid. 5-7 persons of their community were present in the Baramda and Rama Shankar Ram was insulted in their presence and Rama Shankar Ram had came for getting labour card and the accused persons had slurred him in caste name.

The Ld. Advocate further submitted that enquiry witness no. 2 has also supported the occurrence and stated that on 03.05.2023 at about 12:30 he was present outside the Labour Department, Bhabhua and saw that Rama Shankar Ram had come to Labour Office of Superintendent, kaimur with his labour card and asked the Labour Superintendent 2-3 times benefit of the labour card and the Labour Superintendent Javed Rahmat got angry and slurred him in caste name and also pulled him and, thereafter, Nishant Singh came and forced Rama Shankar Ram to step down the stairs by abusing him “Chamar Shiyar”. On the date of occurrence he had also gone for making of his labour card outside the department, both the labour superintendent and Nishant Singh stated that only the person who

will pay money, will get the benefit under labour card and outside the office there were other persons present.

7. The Ld. Advocate further submitted that as the police has not filed the charge-sheet against the accused persons therefore the complainant had apprehension and had filed the protest petition in advance even before filing of the charge-sheet/final form. The final form no. 51/2023 dated 31.10.2023 was filed in the Court on 15.01.2024 and the same was accepted on 23.02.2024 whereas the protest petition was filed on 24.11.2023 and as the complainant and his enquiry witnesses have supported the use of criminal force by the proposed accused persons with intention to humiliate, by slurring in caste name and due to caste identity, the cognizance shall be taken against the proposed accused persons u/s 323, 345, 504, 506/34 of the IPC and Section 3(1)(r)(s) and 3(2)(va) of the SC/ST Act.

8. The Ld. Advocate representing the both proposed accused persons submitted that the Court has no jurisdiction to entertain the present protest/complaint petition for taking cognizance as the Court had accepted the final form submitted by the police in FIR No. 51/2023, registered on the basis of complaint petition of the complainant, finding the investigation and conclusion of the investigation agency true and as the earlier complaint no. 37/2023 was sent for registration of the case and the police after conducting investigation even in the supervision of the Supervising Authority had found the allegation of the complainant baseless and motivated due to pressure tactics of one Munna Prasad Gupta a self claimed leader of Majdoor Sangh who usually threatens and intimidats the Government officials to concede his illegal demands by creating pressure with the

help of some persons of his group kept for the purpose who have nothing to do with the labour rights but to earn money from the poor labourers by misguiding them and the complaint petition No. 37/2023 was also lodged at the instance of Munna Prasad Gupta by taking advantage of the community of the complainant and the complainant his nothing to do with labour work and the labour rights but is the close ally of Munna Prasad Gupta. The Id. Advocate further submitted that said Munna Prasad Gupta is in the habit creating nuisance of protest in the office of labour department and other government department with the help of his allies and on the recommendation of Labour Superintendent, Kaimur, the case was registered against him on the letter of Amit Kumar an official of Labour Department and Bhabhua PS Case No. 129/2022 was registered on 07.03.2022 u/ss 147, 149, 341, 323, 379, 353, 504, 506 of the IPC (Annexure-1). The letter was also written by Official of Labour Department Block Nuaon/Ramgarh on 03.05.2022 for registration of Sanha to SHO Ramgarh regarding opening of Labour Offices by Munna Prasad Gupta S/o Jhillu Sah R/o Mohania Ward No. 12 at different placed in district Kaimur in the name of Akhil Bhartiya Majdoor Sanghatan and collecting money in the name of providing benefits of government scheme from the labour department by misguiding the labourers and he earns commission from the labourers and he also extort illegal money. The Ld. Advocate further submitted that once the complainant Rama Shankar Ram had applied for compensation on account of death of his wife but the documents were not as per requirement he had earlier also had alleged similar allegation of abusing and humiliation on the basis of caste and moved an application before SHO SC/ST

Police Station Kaimur at Bhabhua (Annexure-III) wherein he had also made allegation of caste based slur but the matter was compromised on 10.03.2022 wherein he had made allegation against Nishant and one clerk having Bada Babu but had withdrawn the allegation on assurance of payment of the compensation and the said occurrence was not because he was abused but because he had not filed the sufficient requirements of paper work and the officials had assured him the compensation on account of death of his wife and the same was disbursed to Rama Shankar Ram. The Ld. Advocate further submitted that said Munna Prasad Gupta's in the habit of making complaints and had also made complaint on Mukhyamantri Dashboard Portal on 02.08.2022 (Annexure-IV) but the same was also found baseless whereas Rama Shankar Ram was one of the seventy five persons claiming compensation on account of death of life partner and this complaint was made on 02.08.2022 whereas the Rama Shankar Ram had withdrawn his application (Annexure-III) from the SC/ST police station in the light of compromise on 10.03.2022 and had received the compensation money and out of alleged seventy five persons included in the list by Munna Prasad Gupta only claims of fifty seven persons were accepted and claims of nine persons were rejected by the Block Development Officer for want of evidence and irregularities and eleven claims were informed for removal of the defects.

9. The Ld. Advocate for the proposed accused further submitted that despite having being received compensation by the Rama Shankar Ram he had made complaint before the District Public Grievance Redressal Officer, Bhabhua and requested them to call and

accompany representative of Akhil Majdoor Sanghathan that is Munna Prasad Gupta whereas the claim on account of death of Rajmuni Devi i.e., wife of Rama Shankar Ram was filed before the Block Development Officer, Durgawati and report was submitted on 05.05.2022 and recommendation for accepting the claim was made vide letter no. 470 dated 31.05.2022 and, therefore, the claim was accepted under the scheme and Rs. 35,000/- were disbursed on 31.05.2022 but in all above complaints or representations Rama Shankar Ram has not stated any alleged occurrence on dated 03.05.2023 at about 12:30 PM which clearly shows that no such occurrence as alleged took place but the complaint was filed at the instance of Munna Prasad Gupta by concocting story alleging on 03.05.2023.

10. The Ld. Advocate further submitted that on merits of the enquiry evidence the allegation itself becomes false, concocted one with ulterior purpose as the complainant himself has stated that on 03.05.2023 he had visited the labour department for enquiry of government schemes but the claim of Rama Shankar Ram was already filed on account of death of his wife and there was nothing to enquire about any scheme and as he had earlier made complaint in the month of March and also on CM Portal so if such an occurrence had taken place he would not have stopped to make any complaint regarding alleged occurrence of 03.05.2023. The Ld. Advocate further submitted that in Court question the complainant has stated that Javed Rahmat was demanding Rs. 10,000/- and he had visited the office for enquiry of benefit of Manrega Scheme but everybody knows that under manrega scheme no compensation or other benefit is given

only labour work is provided and there is no labour work for which any official would have demand Rs. 10,000/-. The ld. Advocate further submitted that in his answer to Court question that there was no dispute with the proposed accused prior of this occurrence whereas Annexure-III is available on record that earlier also he had made complaint in SC/ST police station making allegation on Nishant and clerk of the labour department but the same was withdrawn.

11. The Ld. Advocate further submitted that when the complaint petition no. 37/2023 sent for registration of the case and the allegations of the complaint were investigated by the I.O., his allegations were found baseless in investigation and the proposed accused had sent all the documents to investigation agency including the supervising authority and therefore the allegations were found false and final form was submitted by the police and the same was accepted by not taking cognizance by the Ld. Presiding Officer of this Court.

12. The Ld. Advocate further submitted that as the protest petition was available on record and even filed before filing of the final form in the Court by the I.O., the informant and his ally i.e., Munna Prasad Gupta knew very well that the complaint is based upon false and concocted story, therefore, they had even not waited for completion of the investigation and filing of charge-sheet and filed the protest petition but not pressed the same for any supervision in the investigation by the Court and when the Ld. Presiding Officer had accepted the final form, the informant through his Ld. Advocate requested for registration of the complaint on the basis of protest petition and accordingly the protest petition again converted into

complaint case which is matter in issue today.

13. The Ld. Advocate further submitted that once the cognizance is not taken by the Magistrate,(in this case Special Judge under SC/ST Act), on the basis of final form/report submitted by the investigation agency, the cognizance cannot be taken on the basis of protest petition on the same allegations recorded in protest petition. Hearing on final form and the protest petition should have been simultaneous and both the final form and protest petition should have been disposed/decided by common order. The Ld. Advocate further submitted that as the Ld. Presiding Officer had not taken cognizance on the basis of final form and the protest petition then available on record, there was no need to register the protest petition as complaint case and run for enquiry evidence.

The Ld. Advocate relied on case law **Surendra Pandit @ Soren vs. The State of Bihar & Anr.** Cr. Misc. No. 42389/2021 decided on 14.05.2015 reported in PLJR 2015 (3) Page 775 and referring para no. 9 at page no. 777 reproduced below :-

“9. Once the final report was accepted, the proceeding referable to the FIR stand terminated. If the second respondent was aggrieved on account of the acceptance of the final report filed by the police, he ought to have approached this Court by instituting appropriate proceedings. However, on his insistence, the protest petition was treated as a complaint u/s 200 of the Cr.P.C. Whatever be the possibility for the protest petition being treated as a complaint u/s 200 of the Cr.P.C., once the final report has been accepted, the question of keeping the matter alive through a different

channel does not arise.”

And submitted that once the cognizance is not taken by the Court in a case investigated on the basis of the FIR and final form is accepted, whatever be the possibility for the protest petition being treated as a complaint u/s 200 of the Cr.P.C., once the final report has been accepted, the question of keeping the matter alive through a different channel does not arise and in the present case through the complaint no. 22/2024 registered on the basis of protest petition.

14. On the merits of the complaint in the light of enquiry, the Ld. Advocate submitted that the complaint petition is motivated, filed at the instance of Munna Prasad Gupta, who runs Akhil Bhartiya Sanghathan and creates pressure on the Public Servants with assistance of his allies and if the story of complainant had any iota of truth, he might have reported the said occurrence in earlier correspondence to police and higher authorities including the CM Portal but the complainant had not done so and his grievance was that the complainant Rama Shankar ram had applied for compensation on account of death of his wife. The claim of the compliant Rama Shankar ram and many other were pending for scrutiny and desirable paper work, for removal of the defects also and the procedural work in government offices often take some times due to necessary compliance and the compensation was granted after clearance of all the formalities and he was paid Rs. 30,000/- but due to the aforesaid reason and the instigation by Munna Prasad Gupta who uses the poor labourers for his purpose to earn money on commission basis and also by intimidating the officials of labour departments, is in the habit of making complaints and for the activities of said Munna

Prasad Gupta, Bhabua PS No. 129/2022 was registered against him and therefore, said Munna Prasad Gupta use the complainant as tool to harass the public servants, discharging their official duties. The Ld. Advocate further submitted that even the complainant in his enquiry evidence has not disclosed for what purpose and in which scheme he wanted the information from the proposed accused persons and if his own statement is believed, he alleged demand of Rs. 10,000 first time in answer to court question and if he was asking for manrega scheme then there is no any such scheme which provide so huge amount from which the proposed accused persons could have believed to the demand Rs. 10,000/- and the complainant in court has submitted that he had no dispute with the proposed accused persons where the document placed on recorded by the proposed accused persons clearly indicates that earlier also Rama Shankar Ram made compliant in SC/ST police station and withdrawn the same on compromise as the paper formalities were not completed regarding his claim on account of his death of his wife and later on he had also complained on CM portal in which he had requested for presence of said Munna Prasad Gupta at the time of hearing, just to give waitage and importance to said Munna Prasad Gupta so that he could deal with the official of labour department on his own terms by taking advantage of assistance of a group of few alleged labourers who are the close allies of said Munna Prasad Gupta and the complainant is one of them. The Ld. Advocate also referred enquiry evidence of PW-1 wherein he has stated that Rama Shankar Ram had visited the labour office for getting labour card whereas Rama Shankar ram has not stated that he wanted labour card but instead he visited the office of labour

Superintendent for enquire the scheme of benefits permitted by the Government of Bihar. The Ld. Advocate also refereed enquiry witness PW-2, who has stated that he was present outside the labour office Bhabhua where the proposed accused persons got angry on query of the complainant and abused him but he has also not stated that he knows no one whose labour card was not made by the officials for want of giving money.

15. The Ld. Advocate of the proposed accused placed on record the copy of judgment of the Hon'ble High court passed in Nathuni Sharma and Anr. vs. State of Bihar passed in Crl. Appeal (SJ) No. 1283 of 2024 vide order dated 23.03.2026 by the Hon'ble High Court Patna wherein the Hon'ble High Court while discussing the facts in the case in para nos. 4, 5 and 6 has indicated, becoming the tool of the complainant/informant in the hands of other person in that case namely Bablu Pathak for lodging a false fabricated and concocted story not supported by any evidence.

The Ld. Advocate while referring the aforesaid judgment submitted that like in the above judgment, the facts are similar and the complainant in the present case is being used by said Munna Prasad Gupta as a tool, taking advantage of his caste and also previous enmity with the officials of the labour department including the proposed accused persons.

16. The Ld. Advocate of the complainant while rebutting the arguments of the Ld. Advocate of the proposed accused submitted that in the case in hand the protest petition was filed during investigation and before filing of the final form and not after the acceptance of the final form submitted by the police and therefore the reference of law

made by the Ld. Advocate of proposed accused persons is not applicable and the cognizance should be taken in present case.

17. After hearing detailed arguments of both sides and considering the case law placed on record, this Court is of the view that, as held by the Hon'ble High Court in Surendra Pandit @ Soren vs. State of Bihar (supra) in para no. 9, i.e., once the final form is accepted, question of keeping the matter alive through a different channel does not arise and the same view is reiterated by the Hon'ble High Court in another judgment Bhuneshwar Prasad Sinha vs. State of Bihar Crl. Misc. Case No. 814 of 1979, decided on 20 August, 1980 reported in 1980 0 Supreme(Pat) 168, wherein the Hon'ble Patna High Court in para no. 3 has stated :

“3. Whenever a final form is submitted, the informant is entitled to file a protest petition or complaint petition before or after filing of the final form. The magistrate should keep both the matters that is the acceptance of the final form and the protest petition for hearing on the same date. If the magistrate takes cognizance on the basis of the complaint petition then in that case he should not accept the final form. If once he accepts the final form then on the same facts constitution the offence, he is not entitle to take cognizance on the basis of the complaint petition or protest petition because that will result in two inconsistent orders passed by the Judicial Officer. In this connection it is relevant to quote a portion of paragraph 15 of the Judgment of Abhinandan Jha V/s. Dinesh Mishra --;

Then the question is, what is the position when the

magistrate is dealing with a report submitted by the police, under Sec. 173, that no case is made out for sending up an accused for trial, which report, as we have already indicated, is called, in the area in question, as a final report? Even in those cases, if the Magistrate agrees with the said report, he may accept the final report and close the proceedings.”

18. This Court comes to the conclusion that once the Court has accepted the final form, the Court has no jurisdiction to continue the proceeding regarding same transaction whether it is on the basis of protest petition or initiated by filing complaint petition. This Court is also of the view that when the protest petition was filed during investigation, the petitioner could have press the petition for supervision of the investigation by the Court if he had doubt about the fair investigation but it was not done and the petitioner kept the protest petition pending and waited till acceptance of the final form and when the final form was accepted the same protest petition which was filed before acceptance of the final form was pressed for treating as a complaint and the same is not the mandate of the law. It is also relevant to consider that the contents of protest petition are same as that of the earlier complaint petition no. 37/2023, sent for registration of case u/s 156(3) upon which of Cr.P.C. the FIR was registered and the allegations was found untrue in investigation by the I.O. and also by the Supervising Authority/Dy. S.P. as recorded in para no. 39 that the allegation of the complainant was in counter blast of the case registered against union leader Munna Gupta in Sonhan PS Case No. 229/2022 dated 07.03.2022, registered on the complaint of Labour Superintendent. So there was no need to continue the protest petition

and to register it as a complaint case as the protest petition was part of the record at the time of consideration of the final form in FIR No. 51/2023 which arose out of complaint petition 37/2023.

19. Now coming to consideration for cognizance on merits of the case after considering the enquiry evidence produced by the complainant, the Court comes to conclusion that the complainant had previous bitterness of the complainant with officials of Labour Department due to delay in compensation on account of death of his wife but the same was compromised but still the complaint petition was filed by the complainant alleging occurrence on 03.05.2023 but no such allegation was made by the complainant during his earlier complaint to SC/ST police station (Annexure-III) and as it is revealed from Annexure-I that official of Labour Department had got registered case against Munna Prasad Gupta for his alleged activities and the recommendation was made by proposed accused no. 1 and his acquaintance with complainant is surfaced by document placed on record part of Annexure-IV wherein the complainant had requested the presence of Munna Prasad Gupta at the time of hearing of his grievance before District Public Redressal. After the enquiry evidence of the complainant appears to court motivated at instance of said Munna Prasad Gupta as the complainant even failed to disclose for which government scheme he had approached the official i.e., proposed accused and if he had approached for Manrega scheme as answered in court question, then it is away for imagination that demand of Rs. 10,000/- for work as a labourer at the rate of 250-300 rupees wages per day as manrega labour. This Court found no material to proceed in the complaint for taking cognizance on merits of the case also.

Hence, in the protest-cum-complaint petition no. 22/2024, court found no material to take cognizance and the complaint petition is liable for dismissal on technical ground that the final form submitted by the police, had already been accepted and the protest petition dated 24.11.2023 was part of the record when the final form was accepted and also on the merits of the complaint petition that Court found no reliable material on record to proceed for taking cognizance against the proposed accused persons and accordingly the compliant petition is dismissed on both scores as discussed above.

Record after due compliance to consign to record room as per rules.

(Dictated)

sd/-

(Baljinder Pal)
Addl. Sessions Judge-I
-cum-Spl. Judge
Kaimur at Bhabhua