

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

COMPLAINT CASE No. 66 of 2018

Dukhanti Paswan

....Complainant

Versus

Sahjad Sai & Others

....Accused Persons

18.09.2021

The case is put up for order today. Present Sri, Nirakar Singh, learned counsel on behalf of the complainant and learned Spl P.P for the State.

ORDER

The present complaint case is the result of protest petition filed against the final form submitted by the Investigating Officer in SC/ST Bhabua P S Case No. 11 of 2018 filed under Sections 341, 323, 379, 504, 506, 427/34 of the IPC and Section 3(1) (r) (s) of SC/ST Act.

The present complaint case filed against the accused 1. Sahjad Shai, 2.Sahansah Sai and 3. Wakil Sai by the complainant Dukhanti Paswan alleging therein that on 27.01.2018 at about 3:00 PM while he was going to his house through Chand Bazar and as soon as he reached 400 meter to the South of Maruhiya village, the accused Sahjad Shai came riding a motorcycle. As soon as the complainant saw the motorcycle of the accused, he parked his cycle aside. Despite that, the accused abused the complainant by calling castes names and assaulted him with fists and slaps. As a result of the attack, the complainant suffered injury on wrist and bones. During the attack, the mobile phone of the complainant fell down and the accused allegedly destroyed it by pressing it with his legs. It is alleged that the accused also took away a sum of Rs. 2200/- of the informant that fell on the ground in the course of attack. It was on the intervention of one Laldev Paswan that the accused stop attacking. It is alleged that when his family members went to complain about the incident, the Sahansah Sai and Wakil Sai who are the brother of Sahjad Sai, attacked the family members of the complainant. The incident was allegedly seen by the villagers who were present at the spot. The complainant further alleged that he reported the incident and an FIR got registered against the accused but the police after

getting in connivance with the accused submitted Final Form in the case. Statement of the complainant was recorded on 03.11.2018 wherein he repeated the allegation levelled by the him in the complainant petition. During inquiry three witnesses namely, 1. Sanjay Paswan, 2. Jagdish Paswan and 3. Bhanu Paswan were examined and they all supported the case of the complainant. None of the witness stated anything regarding the offence of mischief or about the offence of theft or of wrongful confinement been caused to the complainant. The witness stated that they saw the incident that took place at the house of the complainant that followed the alleged incident where the bicycle of the complainant hit the accused's bike and they all stated to have seen the accused abusing the complainant. The counsel for the complainant argued that because of the complainant belonging to SC/ST community that the accused don't permit him to enter the Panchayat Bhawan and the present case also took place because of the same reason. The court is of the view that the case of abuse has been exaggerated by the complainant to make the offence look grave in nature. The court is satisfied about the existence of a prima facie case under Section 504 of the IPC read with Section 3(1)(r)(s) SC/ST Act and the accused Sahansah Sai & Wakil Sai are directed to be summoned in the case. Complainant is directed to file requisites within a period of 15 days from the date of this order otherwise necessary order under Section 204(4) Cr.P.C would be passed. On filing of requisites, the office is directed to get the case registered in SC/ST Trial Register.(Dictated)

Sd/-

Addl. Sessions Judge-I
Kaimur at Bhabua