

FIR No. 683/2015
PS : Ranhola
State Vs . HareKrishan Jha & Ors
New No. 56063

05.09.2016

Present : Ld. Addl. PP Sh. Rajat Kalra , for State.
Ld CI Sh S.S. Tyagi for both the accused alongwith
accused persons.
IO ACP Samay Singh

Arguments on charge heard. Record perused.

Ld. Counsel Sh. Tyagi has vehemently argued that the present case is a civil case and which has been given colour of a criminal case and the State has failed to put up sufficient material on record to form a *prima facie* case U/s 3 of SC/ST Act (POA) Act 1989

On the other hand. Ld. Addl. PP for the State has vehemently argued that in the instant there are specific allegations against the accused persons to frame a charge U/s 3 of SC/ST Act (POA) Act 1989

I have carefully considered the arguments of Ld. Counsel for the accused and Ld. Addl. PP for the State .In this case as per the case of prosecution, that in the month of June, 2010 both the accused have dishonestly and fraudulently grabbed the area of 5 sq yds, while raising foundation and constructed construction of their house over the foundation pertaining to the complainant and when the complainant raised objection in respect of their illegal act both passed casteist remarks against the complainant and

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his family members in public view to humiliate them .

It is also a settled proposition of law that at the stage of charge the court is not required to examine the evidence set up by the State minutely or bit by bit so as to carry out a detailed examination of trial which is to be left at the stage of evidence itself. Reliance placed on **AIR 2001 SC 222 State V. S. Bangarappa.**

Thus keeping in view the aforesaid discussion and the settled proposition of law the Court is not require to go into the probative value of the material minutely at the stage of framing of charge. The Court is of the considered opinion that *prima facie* material do exist against the accused persons Under Section 3 (1)(iv) (xii) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. Let charge be framed.

Charge for the offence Under Section 3 (1) (iv) (xii) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 framed against the accused persons framed. Both the accused pleaded not guilty and claimed trial.

Be put up for prosecution evidence on 02.11.2016. PW be summoned.

(JAGDISH KUMAR)
ASJ-02/West/Delhi
05.09.2016