

New SC No. 365/17
State Vs. Prabhu Singh & Ors.
FIR no. 233/17
PS : Ranhola

01.08.2017

Present : Ld. Addl. PP Sh. Ajit Kumar Srivastava for the State
along with IO.

The present charge sheet has been filed for the alleged offence U/s 3 of Schedule Caste and Schedule Tribes Prevention of Atrocities Act, 1989 (as amended up to date) as well as U/s 427 IPC.

I have gone through the file carefully. I have also heard Ld. Addl. PP for State. There is no evidence on record to substantiate that any loss of more than Rs. 50 has been occurred to the complainant. It is submitted by Ld. Addl. PP for State that the court may presume that the ramp which was dismantled by the accused persons was of more than Rs. 50. I disagree with the Ld. Addl. PP for State, as if, as Ld. Addl. PP for State has submitted that it may be presumed for more than Rs. 50, similarly, it may be presumed for less than Rs. 50. So, this Court cannot presume the damage. So, I am declining the cognizance of the offence U/s 427 IPC.

So far as the evidence U/s 3 (1) (g) is concerned, there are sufficient evidence against accused Prabhu Singh, Radha Raman Mishra, Subhash Chander Chauhan and Sajjal Lal U/s 3 (1) (g) of SC & ST Act. Accordingly, I take cognizance of the offence U/s 3 (1) (g) of SC & ST Act.

Let all the accused be summoned for 01.09.2017.

(Jagdish Kumar)
ASJ-02, West/THC/Delhi
01.08.2017