

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Criminal Appeal (S.J.) No.190 of 2026

Sushil Prasad

.... **Appellant**

Versus

The State of Jharkhand through Vigilance & Anr.

.... **Respondents**

With

Criminal Appeal (S.J.) No.184 of 2026; Criminal Appeal (S.J.) No.196 of 2026; Criminal Appeal (S.J.) No.201 of 2026; Criminal Appeal (S.J.) No.209 of 2026; Criminal Appeal (S.J.) No.237 of 2026; Criminal Appeal (S.J.) No.243 of 2026; Criminal Appeal (S.J.) No.256 of 2026; Criminal Appeal (S.J.) No.278 of 2026; Criminal Appeal (S.J.) No.281 of 2026; Criminal Appeal (S.J.) No.288 of 2026; Criminal Appeal (S.J.) No.300 of 2026; Criminal Appeal (S.J.) No.313 of 2026; Criminal Appeal (S.J.) No.326 of 2026; Criminal Appeal (S.J.) No.333 of 2026; Criminal Appeal (S.J.) No.343 of 2026; Criminal Appeal (S.J.) No.366 of 2026; Criminal Appeal (S.J.) No.416 of 2026;

CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Appellants

: Mr. R.S. Mazumdar, Sr. Adv.
Mr. Ajit Kumar, Sr. Adv.
Mrs. Aprajita Bhardwaj, Adv.
Mr. Kshitiz Priyanshu, Adv.
Mr. Shailesh Kr. Singh, Adv.

For the State

: Mr. Vishwanath Roy, A.P.P.
Mrs. Nehala Sharmin, A.P.P.

For the Informant

: Mr. L.C.N. Shahdeo, Adv.

06/Dated: 24th June, 2026

1. The jurisdictional issue has been raised in the present case:

(i) Whether the offence under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 is made out or not?

(ii) If the offence under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 is made out “whether the victim has been identified ascertaining their caste or not?”

(iii) If the offence is made out under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 then “whether the case will be tried before the Special Court (Prevention of Corruption Act) or before the Exclusive Special Court (Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act,

1989) as both the courts are designated for the trial of such offences.”

(iv) If the case comes under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 “whether the State has performed their duty as mandated under Section 15 of the Act or not?” if they did not performed their duty, what corrective measures has been taken and why not prosecution has been lodged under Section 4 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Section 4 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 reads as under:-

4. Punishment for neglect of duties.—

“(1)Whoever, being a public servant but not being a member of a Scheduled Caste or a Scheduled Tribe, wilfully neglects his duties required to be performed by him under this Act and the rules made thereunder, shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to one year.

(2) The duties of public servant referred to in sub-section (1) shall include—

(a) to read out to an informant the information given orally, and reduced to writing by the officer in charge of the police station, before taking the signature of the informant;

(b) to register a complaint or a First Information Report under this Act and other relevant provisions and to register it under appropriate sections of this Act;

(c) to furnish a copy of the information so recorded forthwith to the informant;

(d) to record the statement of the victims or witnesses;

(e) to conduct the investigation and file charge sheet in the Special Court or the Exclusive Special Court within a period of sixty days, and to explain the delay if any, in writing;

(f) to correctly prepare, frame and translate any document or electronic record;

(g) to perform any other duty specified in this Act or the rules made thereunder:

Provided that the charges in this regard against the public servant shall be booked on the recommendation of an administrative enquiry.

(3) The cognizance in respect of any dereliction of duty referred to in sub-section (2) by a public servant shall be taken by the Special Court or the Exclusive Special Court and shall give direction for penal proceedings against such public servant.”

(v) Whether the Special Court (Prevention of Corruption Act) is competent to take cognizance or can be keeper of F.I.R. under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 or not?

(vi) If cognizance under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 as well as Prevention of Corruption Act and another Act has been taken, what will be the implication as vis a vis his incompetency towards the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 is concerned.

(vii) If the cognizance has been taken under the Prevention of Corruption Act, Indian Penal Code and Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, what the procedure will be available to a Court which is not an Exclusive or Special Court under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. A report must be called for from the court concerned in the above matter.
3. The above quoted issues have also to be answered by both the learned counsel for the parties.
4. As jointly prayed for, put up these cases on 30.06.2026.
5. Let a copy of this order be communicated to the court concerned through FAX.

(Rajesh Kumar, J.)

Dated: 24th June, 2026
Amar-Shahid/-
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