

X!

SLP(Crl.)No. 3372 OF 2000

ITEM No.28

Court No. 4

SECTION II
A/N MATTER

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No. 3372/2000

(From the judgement and order dated 27/03/2000, 18.7.2000 in CRLMA
1633/98 & CA 44632/2000 of The HIGH COURT OF JUDICATURE AT
Allahabad)

RAM NARAIN

Petitioner (s)

VERSUS

MURAT & ORS.

Respondent (s)

(With Appln(s). for exemption from filing O.T.
exemption from filing c/c of the impugned Judgment and stay)
(With Office Report)

Date : 30/03/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.B. PATTANAIAK
HON'BLE MR. JUSTICE U.C. BANERJEE

For Petitioner (s)

Mr. V.J. Francis,Adv.

For Respondent (s)

Mr. R.C. Srivastava,Sr.Adv.
Ms. Rachana Srivastava,Adv.

UPON hearing counsel the Court made the following
O R D E R

.....L.....I.....T.....T.....T.....T.....J.
.SP2

Leave granted.
The appeal is disposed of.

.SP1

(Y.P.Dhamija) (Suneet Bala Sharma)@@
AA
COURT MASTER COURT MASTER

Signed order is placed on the file.

.PA

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.397/2001@@
EEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEE
(arising out of SLP(CRL) No. 3372/2000)

Ram Narain ...Appellant

Vs.

Murat & Ors. ...Respondents

O R D E R@@
EEEEEEEEEEEE

.....L.....I.....T.....T.....T.....T.....J.
.SP2

Leave granted.

The complainant is in appeal against the order of learned Single Judge of Allahabad High Court. The Allahabad High Court in exercise of powers under section 482 of the Code of Criminal Procedure quashed the pending proceedings initiated under section 3(i)(v) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The impugned judgment indicates that the High Court came to a conclusion that the petitioner before it was in possession of the land bearing plot Nos.72, 73 and 74, and on that basis interfered with the criminal proceedings. There is no finding of any competent forum that the petitioner before the High Court, namely Murat and others are in possession of the disputed plots, and on the other hand, a civil suit is pending before the Civil Court. That being the position, the High Court was in error in assuming that Murat and others were in possession of the land, and on that erroneous assumption interferred and quashed the criminal proceedings.

- 2 -

This, on the face of it, is in excess of the jurisdiction conferred on the High Court under section 482 of the Code of Criminal Procedure. We therefore set aside the impugned order passed by the High Court and direct the criminal proceedings may go on in accordance with law.

The appeal is disposed of accordingly.

.SP1

.....J.
(G.B. PATTANAIAK)

New Delhi,
March 30, 2001

.....J.
(U.C. BANERJEE)