

(1)

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAI PUR BENCH, JAI PUR

O R D E R

S. B. CRIMINAL REVISION PETITION NO. 798/2004

SHOBHIT JOSHI Vs. STATE OF RAJASTHAN

DATE: 30. 03. 2007.

HON'BLE MR. K. S. RATHORE, J.

Mr. R. K. Mathur for the petitioner.

Mr. Ashwini Sharma, Public Prosecutor for the State.

The present criminal revision petition under Section 397 r/w Section 401 Cr. P. C. is preferred by the petitioner against the order dated 24. 07. 2004 passed by the Special Judge, SC/ST (Prevention of Atrocities) Cases, Jai pur in Sessions Case No. 111/2001, whereby the petitioner has been charged for the offence under Sections 147, 448/149, 427/149 IPC and Section 3(1)(V) in the alternative Section 3(1)(XV) of the SC/ST (Prevention of Atrocities) Act, 1989 (for short 'the SC/ST Act').

Learned counsel for the petitioner referred the F. I. R. dated 17. 07. 2000. A bare perusal of the FIR would reveal that no case under the SC/ST Act is made out against the petitioner and no averment whatsoever has been made so far as offence under Section 3(1)(V) and 3(1)(XV) of the SC/ST Act is concerned.

(2)

I have heard rival submissions of the respective parties and have also gone through the impugned order dated 24.07.2004 as well as the relevant record.

Upon perusal of the record and the impugned order dated 24.07.2004, so far as framing of charge against the petitioner under Sections 3(1)(V) and 3(1)(XV) of the SC/ST Act is concerned, prima-facie case is not made out against the petitioner under the aforesaid offences.

Therefore, the impugned order dated 24.07.2004 so far as framing charge against the petitioner under Sections 3(1)(V) and 3(1)(XV) of the SC/ST Act is concerned, is hereby quashed and set-aside and the rest of the order impugned dated 24.07.2004 is upheld as prima-facie case under Sections 147, 448/449 and 427/449 IPC is made out against the petitioner.

With these observations, the revision petition stands partly allowed.

Record be sent back forthwith.

(K. S. RATHORE), J.
/KKC/