



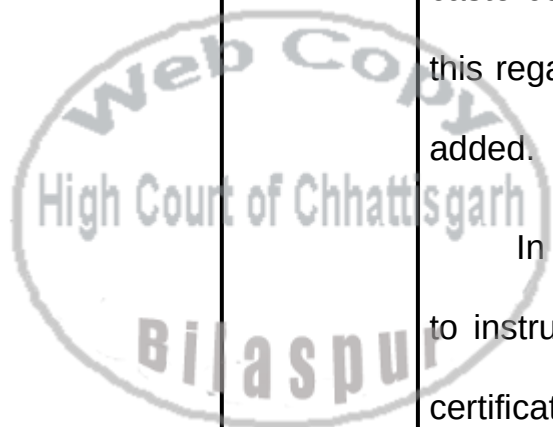
HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

**MCRCA No. 589 of 2023**

Danteshwar Nayak **Versus** State Of Chhattisgarh

10.05.2023	<p>Mr. Vikas Shrivastava, Counsel for the applicant.</p> <p>Ms. Hamida Sidduqi, Dy. AG with Mr. Lalit Jangde, Dy. GA for the respondent/State.</p> <p>Learned State counsel submits that it appears from the impugned order that prosecutrix belongs to Tribal community and caste certificate is to be obtained by the Investigating Officer in this regard and thereafter, offence under the SC/ST Act shall be added.</p> <p>In view of the above fact, learned State counsel is directed to instruct the concerned Investigating Officer to procure caste certificate from the complainant/prosecutrix from the concerned department.</p> <p>Upon being asked, Learned Dy. AG for the State submits that it is inappropriate practice of the Investigating Officer that when the prosecutrix/complainant belongs to Schedule Caste or Schedule Tribe community and <i>prima facie</i> offence is also attracted under the SC/ST (Prevention of Atrocities) Act then instead of registering the offence under the SC/ST Act or before the AJAK Police Station, the Investigating Officers normally proceeds collect the evidence i.e. caste certificate, and after</p>





collecting such evidence, they add the offence under the SC/ST Act. Whereas, before registration of FIR, collection of evidence is not required and same can be enquired during the investigation.

In view of the above, Learned Deputy AG for the State is requested to apprise the above fact to Director General of Police in writing, and after examining the said issue, the DGP may issue appropriate circular in this regard. However, after issuance of circular, if any, Investigating Officer is again found to make any violation, then necessary steps may also be taken against him as per the administrative norms.

Learned State counsel is also directed to send copy of this order along with covering memo to the concerned Investigating Officer of the concerned Police Station through Fax or proper channel.

List this case day after tomorrow i.e. on 12.05.2023.

Sd/-  
**(Deepak Kumar Tiwari)**  
**Judge**