



NAFR

HIGH COURT of CHHATTISGARH, BILASPUR

MCRCA No. 1516 of 2021

1. Yogendra Tiwari Son of Bharat Lal Tiwari aged about 32 Years
2. Vicky @ Roshan Son of Santkumar Sahare aged about 32 Years
3. Naveen Shandilya Son of Deman Shandilya aged about 20 Years
4. Dron Nishad Son of Omraj Nishad aged about 20 Years

All are resident of Village- Badagaon, Police Station- Doundilohara, District-Balod (C.G.)

-----Applicants

VERSUS

- State of Chhattisgarh Through The Station House officer, Police Station- Doundilohara, District-Balod (C.G.)

-----Non-applicant

For Applicant	: Mr. Vidhyabhushan Soni, Advocate
For Non-applicant	: Mr. Alok Nigam, Government Advocate

Hon'ble Shri Parth Prateem Sahu, Judge

ORDER

30/11/2021

1. Mr. Vidhyabhushan Soni, learned counsel for applicants submits that offences alleged against applicants are under Indian Penal Code and also under the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, thus, application filed under Section 438 of CrPC is not maintainable. He may be permitted to withdraw this application with liberty to file appeal under Section 14-A of SC/ST (PA) Act, 1989.
2. As prayed by learned counsel for applicants, application is dismissed as withdrawn with aforesaid liberty.
3. Registry is directed to return certified copy of the impugned order to learned counsel for applicants after keeping the photocopy of the same in record.

Sd/-
(Parth Prateem Sahu)
Judge