HIGH COURT OF JUDICATURE FOR RAJASTHAN JODHPUR

S.B. Criminal Appeal No. 542/2020

Shreepal Singh & Ors.

----Appellant

Versus

State

----Respondent

For Appellant(s)	:	Mr. Deepak Menaria
For Respondent(s)	:	Mr. Farzand Ali, G.A.-cum-A.A.G., with Mr. Mahipal Bishnoi, P.P.

HON'BLE MR. JUSTICE SANDEEP MEHTA

Order

24/07/2020

This an appeal under Section 14A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act filed by the accused-appellants Shreepal Singh, Mahendra Singh, Mahaveer Singh and Govind Singh for assailing the order dated 24.06.2020 passed by the Special Judge, Scheduled Castes/ Scheduled Tribes (Prevention of Atrocities) Act Cases, Pali, whereby the bail application of the accused-appellants under Section 439 CrPC was rejected.
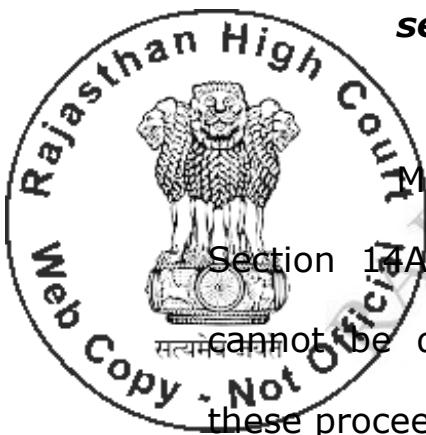
It is noticed that the appellants' counsel has not impleaded the complainant/victim as party in this appeal.

Section 15A (3) & (5) of the SC/ST Act read as below :-

15A. (3) A victim or his dependent shall have the right to reasonable, accurate, and timely notice of any Court proceeding including any bail proceeding and the Special Public Prosecutor or the State Government shall inform the victim about any proceedings under this Act.

(5) A victim or his dependent shall be entitled to be heard at any proceeding under this Act in respect of bail, discharge, release, parole, conviction or sentence of an accused or any connected proceedings or arguments and file written submission on conviction, acquittal or sentencing.

Manifestly, thus, the appeal of the accused under Section 14A of the SC/ST Act against an order rejecting bail cannot be decided without notifying the complainant/victim of these proceedings.

Learned counsel for the appellants shall implead the complainant/victim as party respondent forthwith.

Learned Public Prosecutor shall ensure that notice of this appeal is served upon the complainant/victim.

The Registry shall henceforth ensure that no appeal under Section 14A of the SC/ST Act is instituted unless the complainant/victim is impleaded as party respondent therein.

List on 29.07.2020.

(SANDEEP MEHTA),J

107-Pramod/-