

*Travancore Dewaswom Board v. Moothathu*, 56 Cr.L.J. 845. If agent acts in excess of authority or fraudulently, principal is bound, *Bisserssardas v. Kabulchand*, AIR 1945 Nag.121 provided the evidence shows the

contracting party has been led into an honest belief in the existence of the authority to the extent apparent to him, *Re Ahmednagar Education Society, Ahmednagar*, 1980 Mah LJ 126.

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**NOTE ON COMPETENCY OF SPECIAL COURT CONSTITUTED  
UNDER SCHEDULED CASTES AND SCHEDULED TRIBES  
(PREVENTION OF ATROCITIES) ACT, 1989 TO TRY THE OFFENCES  
UNDER T.P.C. ALONG WITH OFFENCES UNDER THE ACT**

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The Division Bench of the Hon'ble High Court of Andhra Pradesh, on reference made by Presiding Officer Special Court under the SC & ST Act at Warangal, to the High Court, and after the matter was referred to it by the Hon'ble Justice Sri *A. Hanumanthu*, gave authoritative pronouncement on certain points viz., about the competency of Spl. Court to try the offences under the Act and also offences of IPC with which the accused may be charged when committed in the same transaction.

Although the Hon'ble Justice Sri *A. Hanumanthu*, evolved certain questions (4) for authoritative pronouncement, by the Hon'ble Division Bench, the Division Bench also formulated another important question and added to the referred questions before scanning the subject. Infact the said additional question is very important question that whether the Spl. Court can try the offences of IPC along with offences under the Act, which the accused committed in the same transaction. The Hon'ble High Court at para 44 of its judgment on the aforesaid reference, which is reported in 1999 (3) ALD 544 held that Special Court gets jurisdiction to try such inter related offences with the offences under the Act, approving the view of Kerala High Court, but it is

clarified that trial can only take place in such an event after committal by the Magistrate. However it was observed in the said judgment that there is lacunae in the Central Act 33 about the other offences arising under IPC inter related with the offences under the Act unlike in other enactments viz., Essential Commodities Act etc.

As far as the procedure to be followed by the Special Court for trial of Offences under the Act and other offences, it is now held that Section 193 Cr.PC requires to be followed by adopting the view of the Supreme Court, held in *Mohd. Safi v. State of West Bengal*, AIR 1966 SC 69, but at the same time it seems, the Hon'ble High Court lost sight of another important impediment envisaged in Section 194 Cr.PC for the Additional Session's Judges whose Courts are notified as Special Courts in our State. The Additional Session's Courts are having jurisdiction to try the offences of cases which are made over to it by General or Special Order of the Session's Judge or as High Court may by Special Order direct him to try. Therefore the Additional Session's Judge who is presiding over the Court of Session's which is constituted under Section 14 of the Act as Special Court, is not competent either

to take cognizance or to try a case committed from Magistrate Court. Infact the Committal Court under the Cr.PC can't commit the case to Additional Session's Court unless contrary to Cr.PC is provided in the Special enactment or otherwise by the High Court. *De hors* to the process of making over and then receiving of cases as contemplated under Section 194 Cr.PC the Additional Session's Judge does not obtain jurisdiction either to take cognizance or to try the case. The importance of Section 194 Cr.PC and its inevitability has been up held by our own High Court in a case *Pasupuleti Nanjappa* reported at AIR 1961 AP 471.

The entire judgment of Hon'ble High Court (Division Bench) reported at 1999 (3)

ALD 544 is silent on the aspect how to get over Section 194 Cr.PC. Thus it seems, it is again required by the Hon'ble High Court to give an authoritative pronouncement on this aspect also to avoid the legal consequences for want of jurisdiction in respect of the cases comprised of offences under the Act and under the IPC committed by the accused in the same transaction. As far as the cases covering only offences under the Special Act are concerned the impediment contemplated under Section 194 Cr.PC does not come in the way of Special Court for trying the offences, in view of the provisions in the Act itself for the Special Court for trying the offences.

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