

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.6614 2015

ORDER:

This Criminal Petition is filed by the petitioner/accused under Section 482 Cr.P.C seeking to quash the proceedings in P.R.C.No.18 of 2015 on the file of Additional Judicial First Class Magistrate, Kaikalur, Krishna District, registered for the offence punishable under Section 3(i)(x) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989 (for short 'the Act').

Heard the learned counsel for the petitioner and the learned Public Prosecutor (A.P) for the State before notice to respondent No.2/*de facto* complainant and before admission. Perused the material on record.

The above said crime was registered for the offence punishable under Section 3(i)(x) of the Act and police after investigation filed final report against the accused including the petitioner as A1 to say A2 and A3 of the crime not charged and the petitioner is charged as sole accused and that was taken cognizance by the learned Magistrate and committed to the Court of Sessions under Section 209 Cr.P.C. and the learned Sessions Judge in turn taken cognizance under Section 193 Cr.P.C. Undisputedly, hearing before charges under Sections 266 to 268 Cr.P.C. not taken up, the material falls short for this Court to admit the application.

It is one of the contention of the petitioner that it is nothing but a counter blast to the crime No.16 of 2014 registered on his report by the Police, Kaikalur on 07.02.2014 against the *de facto* complainant and others for the offence punishable under Section 500 r/w 34 I.P.C.

Hence, this application is disposed of giving liberty to the petitioner to file an application under section 227 Cr.P.C. before the learned Sessions Judge if there are no grounds to frame charge under Section 228 Cr.P.C. and the learned Sessions Judge shall decide the same from the prosecution material only vide **State of Orissa v. Debendranath Padhi** In the event of any charges are framed under Section 228 Cr.P.C., further remedy is left open to the

petitioner.

Accordingly, this Criminal Petition is disposed of.

Miscellaneous petitions pending if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date:24-07-2015

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IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

CRIMINAL PETITION No.6614 OF 2015

Between:

Addanki Venkata Srinivasa [Rao@Sena](#) Srinu@ John Wesly

... Petitioner

and

The State of A.P. and another

... Respondents

DATE OF JUDGEMENT PRONOUNCED: 24-07-2015

SUBMITTED FOR APPROVAL:

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

1. Whether Reporters of Local newspapers
may be allowed to see the Judgment? Yes/No Yes/No

2. Whether the copies of judgment may be Yes/No
marked to Law Reporters/Journals? Yes/No

3. Whether Their Ladyship/Lordship wish to Yes/No
see the fair copy of the Judgment? Yes/No

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