

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.6513 OF 2015

ORDER:

This Criminal Petition is filed by the petitioners/A1 to A3 under Section 482 Cr.P.C seeking to quash the proceedings in crime No.219 of 2015 of Bodhan Police Station, Nizamabad District, registered for the offences punishable under Sections 341, 323 and 506 I.P.C and 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 petitioners and the learned Public Prosecutor (Telangana) for the State before notice to respondent No.2/*de facto* complainant and before admission.

The learned counsel for the petitioners submits that there is no public view for the alleged offence of abusing as 'Madiga people' either the *de facto* complainant or her husband, who is the Sarpanch of the village and in saying that the petitioners beat with hands and so called presence of Pedda Shanker Gonda and Gopari Mallesh, who saved them immediately after allegedly push down into thorny bushes and that they were there at the time of alleged abusing to call it as public view thereby, there is no application of Section 3(i)(x) of the Act.

In fact, a perusal of the complaint shows that the averments attract under Sections 341, 323 and 306 I.P.C. Undisputedly, Section 341 I.P.C. is a cognizable offence with which the non-cognizable offence under Sections 506 and 323 I.P.C. cognizance taken by the police in registering the crime under Section 154 I.P.C.

Having regard to the above, the case falls short for this Court to quash the F.I.R. under Section 482 Cr.P.C. but the factual matrix entitled to the concession of bail, this application is disposed of giving liberty to the petitioners to surrender before the learned Special Judge and move for regular bail with affidavit with notice to Additional Public Prosecutor and in such an event the learned Special Judge shall hear and grant bail on the same day with necessary conditions.

Accordingly, this Criminal Petition is disposed of.

Miscellaneous petitions pending if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date:23-07-2015

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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.6513 OF 2015

Between:

Pudota Alex and two others

... Petitioners

and

The State of Telangana, rep., by Public Prosecutor and another

... Respondents

DATE OF JUDGEMENT PRONOUNCED: 23-07-2015

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
marked to Law Reporters/Journals?

Yes/No

Yes/No

3. Whether Their Ladyship/Lordship wish
to see the fair copy of the Judgment?

Yes/No

Yes/No

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