

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.4484 of 2015

ORDER:

Heard.

This writ petition is filed by the petitioner, who is a complainant in Cr.No.187 of 2014 on the file of Nellore I Town Police Station. The primary grievance of the petitioner is that though the provision of Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, is attracted basing on the complaint of the petitioner, the 4th respondent registered case only under Sections 448, 427, 456 and 380 read with 34 IPC. The petitioner also states that though he has brought to the notice of the Investigating officer, the aforesaid aspect of necessity of adding the provision of Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, no action is taken thereon. The petitioner, therefore, seeks a direction to the respondents to act accordingly.

Learned Government Pleader has received instructions, which state that basing on the complaint of the petitioner, a case in Cr.No.187 of 2014 was registered before Nellore I Town Police Station. While so, A1 is said to have been enlarged on bail on 06-08-2014. Thereafter, the Inspector of Police, I Town Police Station, Nellore, added Section 3(1) (v) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, after obtaining permission from the Superintendent of Police, SPS, Nellore District. The investigation was entrusted to the 3rd respondent-Sub-Divisional Police Officer, Nellore. The said Investigating Officer has examined all the material witnesses under Section 161 (3) Cr.P.C. and recorded their statements. He also said to have seized the stolen property. Since prima facie case is made out, A2 to A5 were arrested on 25-09-2014 and that A6 obtained anticipatory bail on 05-11-2014 and presently, a memo is stated to have been filed before the court below seeking cancellation of bail

in respect of A1.

It is evident from the above instructions that the police have already added Section 3(1)(v) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, as stated by the petitioner and the investigation is being conducted by the Sub-Divisional Police Officer. At this stage, therefore, it cannot be said that the investigation is not being conducted in proper manner.

Learned counsel for the petitioner, however, states that the petitioner has made representation before the 2nd respondent on 04-10-2014 about involvement of some persons, who have designed the master plan for the commission of offence and requested him to take necessary action. The petitioner alleges that the said representation is not being considered by the Investigating Officer.

At this stage, as recorded above, it cannot be said that the investigation is not being conducted properly, as the Sub-Divisional Police Officer, who is in-charge, is taking necessary steps for completion of investigation. The petitioner made representation before the 2nd respondent. Therefore, the petitioner is at liberty to make a detailed representation before the 3rd respondent, who is the Investigating Officer, so as to enable him to look into the matter and take appropriate steps in accordance with law.

Accordingly, the writ petition is disposed of. No order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

VILAS V.AFZULPURKAR, J

Date: 11-03-2015

Prv

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