

HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

CRIMINAL PETITION No.1564 OF 2015

ORDER:

The petitioner, who is accused No.3, filed this Criminal Petition under Section 438 Cr.P.C. seeking release in the event of his arrest in connection with execution of non-bailable warrant issued against him in P.R.C.No.11 of 2014 on the file of the Judicial Magistrate of First Class, Punganuru. A charge sheet came to be filed against the petitioner and others in Crime No.60 of 2014 of Chowdepalli Police Station, Chittoor district, for the offences punishable under Sections 341, 324, 326 and 506 read with 34 IPC and Section 3 (1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The allegations in the charge sheet are as under:

On 20.07.2011 between 7.30 a.m. and 8.30 a.m. while the informant was proceeding towards the house of the village elder Guvvala Ramakrishna Reddy, accused Nos.1 to 5 armed with weapons are alleged to have formed themselves into an unlawful assembly with a common intention to assault the informant. It is alleged that the accused caught hold of him and tied him to a stone pillar with the help of a rope at Ramaswamy temple of Thellaneellapalli village and thereafter, beat him with cart pegs and a stone causing bleeding injuries. It is further stated that accused Nos.1 to 5 are alleged to have abused the informant by touching caste and insulted him in the public view apart from threatening him with dire consequences.

Heard learned counsel for the petitioner and learned Public Prosecutor appearing for the respondent-State.

A perusal of the material placed before the Court would show that on 03.06.2014 the Court issued non-bailable warrant against the petitioner and the same is pending execution. The averments in the

charge sheet disclose that all the five accused are alleged to have dragged the informant, tied him to a stone pillar with a rope and then beat him with cart pegs and stone causing grievous injuries. Apart from that all the five accused are alleged to have abused the informant by touching his caste.

A reading of the averments in the charge sheet show that all the accused are alleged to have beat the informant causing injuries. It is stated that except the petitioner all the other accused were released on bail. Since the petitioner is aged about 75 years and having regard to the circumstances stated above, the request of the petitioner can be considered on certain terms and conditions.

Accordingly, the Criminal Petition is disposed of by directing the petitioner to appear before the appropriate Court and make an application for recall of warrants, in which event the same shall be dealt with in accordance with law on certain terms and conditions as the said Court deems fit and proper.

C. PRAVEEN KUMAR, J

06.03.2015

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