

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.3041 of 2015

ORDER:

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1. This Criminal Revision Case is filed by the petitioner-A8 aggrieved by the order dated 10.6.2015 passed in P.R.C.No.12 of 2015 by the II Additional Judicial First Class Magistrate, Kovvur, West Godavari District.

2. It is the case of the prosecution that on 16.4.2014, L.Ws. 3 and 4 came to the house of L.W.1 and informed his father i.e., L.W.2 that the acts of A1 are not in proper way and he is abusing them in filthy language. On that, L.W.2 followed them to admonish A1. At that time, L.W.1 listened loud cries from the street. Then, he along with his younger brother L.W.5 went there and found L.W.2 lying on the floor, and A1 to A12 beating L.Ws.2 to 4 with bricks. L.W.1 also received injury. A6 abused L.W.2 as "Mala Lanjakodukuni, Champeste Eduruledu". Later, the injured admitted in Government Hospital. On receipt of intimation from the Medical Officer, Community Health Centre, Kovvur, L.W.12 visited the above medical centre and recorded the statement. Basing on the statement of L.W.1 a case was registered against the accused. After completion of the investigation, the police filed the charge sheet against 12 persons for the offence under Section 324 r/w 34 IPC. The learned Magistrate took cognizance of the offence under Section 324 r/w 34 IPC against A1 to A12 and Section 3(1)(x) of the SCs & STs (POA) Act (for short 'the Act') against the petitioner-A8. Aggrieved by the action of the Magistrate in taking cognizance of the offence under Section 3(1)(x) of the Act against the petitioner-A8, the present revision is filed.

3. Heard and perused the material available on record.

4. Learned Counsel for the petitioner submitted that the charge sheet does not disclose any of the ingredients of Section 3 (1) (x) of the Act.

5. Except relying upon the contents in the charge sheet, the learned Counsel for the petitioner has not filed the statements of any of the witnesses recorded under Section 161 Cr.P.C. The charge sheet is only a gist of allegations. When there is a remedy available to the petitioner before the Court below for filing discharge petition, the very approach of the petitioner at this stage before this Court, is a premature one. Therefore, this Court is not inclined to interfere with the order under revision. However, it is made clear that if it is the case of the petitioner that there are no allegations to proceed against the petitioner-A8 for the offence under Section 3(1)(x) of the Act, he is at liberty to move an application for discharge of such offence before the learned Sessions Judge. On such application being filed, the Sessions Judge concerned is at liberty to consider the same and pass appropriate orders in accordance with law.

6. Accordingly, the Criminal Revision Case is dismissed. Consequently, the miscellaneous petitions pending, if any, shall stand dismissed.

JUSTICE RAJA ELANGO

Dated: 10th December, 2015

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10.12.2015

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