

THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No.2259 of 2015

ORDER:

Upon hearing both sides, at the admission stage, the following Order is passed:

It is a case under Section 3 (1) (x) of SCs and STs (POA) Act, 1989. The complaint allegations are that the *de facto* complainant is a Scheduled caste person and he is the Sarpanch of Bareguda Village, Bejjuru Mandal, Adilabad District. On 07.01.2015 at about 09.00 hours when the *de facto* complainant was passing through the hotel of Pashuvula Shankar at Bareguda, the accused Nos. 1 and 2 obstructed him on the allegation that he embezzled Rs.6,00,000/- of Panchayat funds and abused him by his caste name and threatened him with dire consequences. Hence, the complaint.

Denying the allegations, learned counsel for petitioner/A.1 argued that the petitioner and other villagers have given a report to the Collector about the defalcation of the funds by the *de facto* complainant and as a counterblast, he filed a false case against the accused. To that effect, the petitioner filed a copy of the Representation said to be submitted to the Collector of Adilabad District by the villagers of G.P.Marujampalli Gram Panchayat.

The learned Additional Public Prosecutor opposed the petition and submitted that the offence was committed in the broad day light and in a public place and the investigation is in progress and the alleged representation was given on 28.01.2015, that too long after the offence, only to save the skin of the accused and therefore, the same may not be considered.

In the light of the above respective arguments and having regard to the *prima facie* nature of the accusation contained in FIR and as the investigation is in mid way, it is not a fit case to quash the proceedings. However, the police of Bejjur Police Station, are directed to strictly follow the procedure contemplated under Section 41-A Cr.P.C. towards the petitioner/Accused No.1 during the course of investigation. The petitioner shall cooperate with the investigating agency for smooth completion of investigation.

With the above observation, the Criminal Petition is disposed of.

As a sequel, miscellaneous petitions, if any, pending shall stand closed.

U.DURGA PRASAD RAO,J

01-04-2015

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Dt. 01.04.2015

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