

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

CRIMINAL APPEAL No. 514 OF 2015

ORDER:

The *de facto* complainant preferred this Appeal against the judgment rendered on 06.04.2015 in Special Sessions Case No. 89 of 2012 by the learned Special Sessions Judge for Trial of Offences under SCs & STs (Prevention of Atrocities) Act at Karimnagar acquitting the accused for the offence under Section 3(1)(x) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The case of the prosecution is that on 06.05.2008, at about 20.00 hours (08.00 P.M.), the *de facto* complainant came to Sircilla Police Station and lodged a complaint setting out that he belongs to the Scheduled Caste community and that on the same day, he went to the municipal office on the occasion of Damodaram Sanjeevaiah Vardhanti and while he was coming out of the municipal office, the accused, who was sitting in a tent in front of the office, called him and questioned him as to why Mala and Madiga community societies are not extending support to him and the accused has purposefully insulted him by taking his caste name. It is also alleged that the accused has pushed him. According to the complainant, abusing him by his caste name and also pushing him had taken place in the presence of three or four other individuals and at a public place and hence, the offence under Section 3(i)(x) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act has been attracted.

On behalf of the prosecution, P.Ws. 1 to 9 were examined and Exs.P1 to P6 were marked. On behalf of the defence, Exs.D1 to D4 were marked. The learned Special Sessions Judge has painstakingly considered the entire evidence brought before him. Most significantly, the number of cases, which the *de facto* complainant, who has been examined as P.W.1, instituted against several other individuals in Sircilla Town has been adverted to and also simultaneously, various

cases, which have been filed against the *de facto* complainant – P.W.1, have also been adverted to. During the course of cross-examination, all this information has been elicited from him. In that view of the matter, the Special Sessions Court has recorded the following finding at page 9 of its judgment:

“..... So, the conduct of P.W.1 categorically shows that he is habituated to file cases by invoking provisions of SC ST Act against the persons who are against to him. He further admitted that Srinivas and Devender are known to him and in the name of P. Srinivas and Devender a complaint and press publication was given and after publishing in press, the Superintendent of Police, Karimnagar called them for enquiry and in that enquiry they stated that they have not given publication and not made any complaint against him.....”

Therefore, the credibility of the *de facto* complainant – P.W.1 appears to have been suspected by the learned Sessions Judge. Thereafter, insofar as the evidence of P.W.2, in paragraph 14 of the judgment, the Special Court has recorded the following finding:

“ He further admitted that Burra Narayana Goud constructed the building by occupying road margin and in that connection paper publications were made against him and accused filed complaint against Burra Narayana Goud in the municipality for encroaching road margin and constructing the building by Narayana Goud. So, the above said admission clearly proves that the said Burra Narayana Goud occupied the road margin and constructed building in Sircilla Municipality. He further admitted that on the date of incident, the accused erected tent and conducting dharna against Burra Narayana Goud for construction of building by occupying road margin. So, from the above said admissions, it is clear that the accused conducting dharna by erecting tent and P.W.1 came there and quarreled with the accused. So, the evidence of P.W.2 cannot be taken into consideration to prove the case of prosecution.”

Today, the learned counsel for the appellant has made available to me the depositions of P.Ws.1 to 9. During the cross-examination of P.W.1, he has admitted that he was registered with the Roads & Buildings Department as a civil contractor and that he was carrying on contract works and he also participates in tendering process for supply of vegetables to the social welfare hostels and that he was also carrying on business not only in his individual name but also as a member of Sanjeevayya Labour Contract Society and that he knew Sri Burra Narayana Goud, an Ex-Counselor of Sircilla Municipality, but he does not know why a tent was erected opposite to

the municipal office and that when he was coming out of the municipal office, at about 12.54 p.m., he was called by the accused, who was sitting in the tent and thereafter, the incident took place and that the police station is only a half kilo meter away from the site where the tent was erected, but however, no explanation is forthcoming as to why the petitioner lodged the complaint only at 08.00 P.M. but not immediately. In his cross-examination, he has admitted that several criminal cases are filed against him and also several criminal cases are filed by him invoking the provisions of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989 against various persons. I am therefore, of the opinion that the Special Sessions Court has rightly arrived at a conclusion that the evidence brought before it is not sufficient for it to arrive at a conclusion that the accused is liable to be convicted.

In that view of the matter, I do not find any grave error in appreciating the evidence brought before the Court and hence, no case is made out for reversing the well-considered judgment. The possibility of taking another view on the basis of some evidence is not a ground for reversing the judgment rendered by the Sessions Court.

I therefore, do not see any justification for admitting this Criminal Appeal and it is accordingly, dismissed at the admission stage.

Consequently, the miscellaneous applications, if any shall also stand dismissed.

NOOTY RAMAMOHANA RAO, J

12th June 2015

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