

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

CRIMINAL PETITION No.11835 of 2016

ORDER:

The criminal petition is filed under Section 482 Cr.P.C. seeking a direction to the Judicial Magistrate of First Class, Kothavalasa, Vizianagaram, to dispose of CrI.M.P.No.4907 of 2015 in Crime No.99 of 2015, for taking cognizance of the offence under Section 4 of SC & ST (Prevention of Atrocities) Act, 1989 (for short 'the Act').

It is the case of the petitioner/complainant that one Karanam Sanyasamma lodged a false report against her before the Station House Officer, Kothavalasa Police Station, based on which, a case is Crime No.110 of 2010 was registered for the offences punishable under Sections 448, 427, 354, 379 and 506 (2) r/w 34 I.P.C.; that Sri Palla Ramanayya i.e., the Station House Officer, Kothavalasa, has not conducted the investigation properly and filed charge sheet with false averments in J.C.C.No.31 of 2011 on the file of the Juvenile Justice Board, Vizianagaram; that after trial, the Juvenile Justice Board found the petitioner not guilty; that due to the filing of the false charge sheet, she suffered mental agony and the reputation of her family damaged, and therefore, she lodged a report before the Station House Officer, Kothavalasa, on 21.10.2013 against Sri Palla Ramanayya and Karanam Sanyasamma, and based on the same, a case in Crime No.294 of 2013 was registered for the offence punishable under Section 3(1)(ix) of the Act; that the investigating officer appointed in this case has not completed the investigation within 30 days and that the report filed by him discloses that the same was filed with an intention to protect the accused from punishment. Therefore, the petitioner filed a complaint against the said investigating officer, based on which, a case in Crime No.99 of 2015 was registered. The police, after investigation, filed final report referring the case as 'Mistake of Law'. Aggrieved by the same, the petitioner filed CrI.M.P.No.4907 of 2015 before the Judicial Magistrate of First Class, Kothavalasa, for taking cognizance on the final report. Now, the grievance of the

petitioner is that though the said petition was filed in December, 2015, no orders are passed thereon so far.

Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor, representing the State.

Having regard to the facts and circumstances of the case and since the Crl.M.P filed by the petitioner is pending since December, 2015, I deem it appropriate to direct the Court below to dispose of the petition within a period of two weeks.

Accordingly, the Criminal Petition is disposed of, directing the Court below to pass appropriate orders in Crl.M.P.No.4907 of 2015 in Crime No.99 of 2015, within a period of two weeks from the date of receipt of a copy of this order.

Pending miscellaneous applications, if any, shall stand closed in consequence.

M.S.K.JAISWAL,J

Date: 11.08.2016

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