

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

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CRIMINAL REVISION CASE No.3333 of 2015

ORDER:

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The present revision is filed under Sections 397 read with 401 Cr.P.C. aggrieved by the order dated 10.09.2015 passed in P.R.C.No.28 of 2015 on the file of the Judicial First Class Magistrate, Kothavalasa, Vizianagaram. A charge sheet came to be filed against the petitioners for the offence under Section 3 (1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 506 read with 34 IPC alleging that the petitioners abused the informant by touching his caste.

The only ground urged by the learned counsel for the petitioners is that the allegations made in the charge sheet do not constitute an offence punishable under Section 3 (1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. It is his case that in the absence of any intention to commit the offence, the petitioners cannot be prosecuted.

Having regard to the facts and circumstances of the case, this Court is of the view that the petitioners can raise these objections by filing a discharge application after committal of the case to the concerned Sessions Court.

Giving the said liberty, the Criminal Revision Case is disposed of. Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE C. PRAVEEN KUMAR

23.03.2016
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