

THE HON'BLE SRI JUSTICE RAJA ELANGO

Crl.P.No.5933 of 2016

ORDER

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This petition under Section 482 Cr.P.C. is filed by the petitioners/A1 to A3 seeking to quash the proceedings in P.R.C.No.6 of 2008 on the file of IV Metropolitan Magistrate, Cyberabad at Ibrahimpatnam, Ranga Reddy District, for the offences punishable under Sections 447, 427 IPC and under Sections 3(1)(iv)(x) of SCs & STs (Prevention of Atrocities) Act, 1989, against them.

2. It is alleged in the charge sheet that the de facto complainant is the custodian and caretaker of the landed property in Sy.No.32 situated at Pethulla Village belonging to Smt Padmavathi and that on 26.03.2006, when he visited the said property at 1730 hours, he noticed the removal of fencing stones existed in the said land and when he asked A1, who is a neighbourer, all the accused assaulted him and attacked on his car with sticks and stones and damaged the front lights and accessories and they also abused him in filthy language in the name of his caste. Based on the complaint, a case in Cr.No.86 of 2006 under Section 3(1)(iv)(x) of SCs & STs (POA) Act, 1989 was registered against the petitioners/A1 to A3.

3. Heard and perused the material on record.

4. Since there are certain allegations mentioned in the charge sheet, the matter has to be decided after full fledged trial and therefore, this Court is not inclined to interfere with the impugned proceedings.

5. At this stage, learned counsel for the petitioners confined his argument to the extent that the NBW pending against the 3rd petitioner/A3 may be recalled and the presence of other petitioners may be dispensed with.

6. Considering the said facts and circumstances of the case, the presence of petitioners/A1 and A2 before the trial Court is dispensed with except on the dates whenever their presence is insisted by the trial Court and they shall be represented by their counsel. Further, as the petitioner/A3 expressed his willingness to appear before the trial Court regularly, he is directed to surrender before the trial Court on or before 20.05.2016 and make an application for recalling of NBW pending against him. On filing such an application, the trial Court shall recall the warrant on the petitioner/A3 executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with one surety for a like sum to its satisfaction, failing which, the trial Court is at liberty to take appropriate steps. Till such time, the warrant issued against the petitioner/A3 is hereby suspended. The petitioner/A3 is further directed to appear before the trial Court on each and every date of adjournment.

7. With the above direction, the Criminal Petition is disposed of. Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

RAJA ELANGO, J

22nd April, 2016

sj