

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

CRIMINAL PETITION No.11793 of 2016

ORDER:

The criminal petition is filed under Section 482 Cr.P.C. to quash the order dated 09.12.2015 passed by the Special Judge for Trial of Cases under SCs & STs (PoA) Act – cum – VI Additional Sessions Judge, Kurnool, in Criminal Revision Petition No.33 of 2015.

The petitioner-de facto complainant gave a complaint to the Station House Officer, Dhone, alleging that on 28.09.2007 at 10.30 p.m, the second respondent herein and others beat him and forcibly took away his cell phone and cash of Rs.5,000/-. Based on the said complaint, a case in Crime No.307 of 2007 was registered for the offences punishable under Sections 324 and 384 I.P.C. Subsequently, the said crime was numbered as C.C.No.18 of 2008. Alleging that the Station House Officer, Dhone Police Station, did not conduct the investigation honestly and deleted the names of A.4 and A.5 from the charge sheet and also deleted the offence under Section 384 I.P.C, the petitioner filed Crl.M.P.No.6982 of 2011 in C.C.No.8 of 2008 before the Judicial Magistrate of First Class, Dhone. By order dated 13.05.2015, the learned Magistrate, while dismissing the petition against A.6 on the ground that no *prima facie* case was found against him, partly allowed the said Crl.M.P directing the police to implead A.5 since A.4 died pending the petition. Aggrieved by the same, the petitioner filed Criminal Revision Petition No.33 of 2015 before the Special Judge for Trial of Cases under SCs & STs (PoA)-cum-VI Additional Sessions Judge, Kurnool. The learned Special Judge, by the impugned order, dismissed the revision petition confirming the order dated 13.05.2015 passed by the learned Magistrate. Hence, this revision.

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

A perusal of the material available on record discloses that the petitioner has not mentioned about the involvement of the second

respondent herein either directly or indirectly in the first information report. In the absence of any *prima facie* evidence, both the Courts below rightly rejected the request of the petitioner to implead the second respondent herein as A.6 in the case. The impugned order does not suffer from any manifest illegality warranting interference of this Court.

The Criminal Petition is accordingly dismissed.

Pending miscellaneous applications, if any, shall also be dismissed in consequence.

M.S.K.JAISWAL,J

Date: 11.08.2016

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