

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.39057 OF 2016

ORDER:

The writ petition is filed by the petitioners seeking a writ of mandamus declaring the action of the learned Judicial First Class Magistrate, Ramachandrapuram, East Godavari District, in taking cognizance of the case as P.R.C.No.10 of 2016 for the offences under Section 506 IPC read with Section 34 IPC and Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act without appreciating material on record, in a mechanical manner, as illegal and arbitrary, and consequently to quash P.R.C.No.10 of 2016.

Heard and perused the material.

Learned counsel for the petitioners submits that the learned Judicial First Class Magistrate, Ramachandrapuram, East Godavari District, without appreciating the material on record, in a mechanical manner, has taken the cognizance of the case in P.R.C.No.10 of 2016 and as such, he seeks to quash the same. He further submits that there is a bar for grant of anticipatory bail and as such, the petitioners approached this Court under Article 226 of the Constitution of India.

This Court is not inclined to quash the proceedings in P.R.C.No.10 of 2016 against the petitioners. However, considering the facts and circumstances of the case, the fourth respondent is directed to complete the investigation without arresting the petitioners and file final report, if any, in accordance with law. The petitioners are directed to appear before the fourth respondent and execute a personal bond for a sum of Rs.5,000/- (Rupees five thousand only) each with one surety for the likesum each for their future appearance, as and when required for the purpose of investigation.

The writ petition is accordingly disposed of. Consequently, miscellaneous petitions, if any shall also stand disposed of.

JUSTICE RAJA ELANGO

14.11.2016
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