

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.2648 OF 2016

-
ORDER:
-
-

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 by the petitioners/A-1 to A-5 seeking to quash the proceedings in S.C.No.2 of 2016 on the file of the Special Sessions Judge for trial of cases under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, Mahabubnagar, Mahabubnagar District.

2. Heard and perused the material available on record.

3. The offences alleged against the petitioners are punishable under Section 323 read with 34 I.P.C. and Section 3(1)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

4. Learned counsel for the petitioners mainly contended that the complaint filed by the petitioners herein was registered as Crime No.69 of 2015 on the file of Maldakal Police Station; that the police, being influenced by respondent No.2, registered his complaint as Crime No.68 of 2015 and the same is only a counter blast and that the said complaint is motivated in nature.

5. Considering the facts and circumstances of the case, this Court is of the view that on the ground raised by the learned counsel for the petitioners, this Court cannot interfere with the trial pending before the trial Court. Admittedly, after duly investigating into the complaint lodged by the *de facto* complainant, the police filed charge sheet against the petitioners. A reading of the charge sheet also reveals some allegations against the petitioners, truth of which can be ascertained only after due trial. Hence, this Court is not inclined to

interfere with the proceedings against the petitioners.

6. After arguing for sometime, learned counsel for the petitioners while not pressing for the main prayer, confined his arguments only to the extent of dispensing with the presence of the petitioners before the trial Court.

7. Considering the facts and circumstances of the case and in view of the submission of the learned counsel, the presence of petitioner Nos.4 and 5/A-4 and A-5 before the trial Court is dispensed with except on the dates on which the learned Magistrate insists for their appearance. The petitioners shall be properly represented through their counsel before the trial Court.

8. Accordingly, the Criminal Petition is disposed of. Miscellaneous petitions pending, if any, in this Criminal Petition shall stand closed.

JUSTICE RAJA ELANGO

22.3.2016
AMD

THE HONOURABLE SRI JUSTICE RAJA ELANGO

— — — — —

CRIMINAL PETITION No.2648 OF 2016

Date: 22.3.2016

AMD