

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.1732 OF 2017

ORDER:

The present Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed requesting to quash the proceedings in S.C.No.19 of 2016 on the file of Special Judge for Trial of Cases under S.Cs. and S.Ts. (POA) Act, Srikakulam, on the ground that conduct of proceedings in the said Sessions Case would amount to abuse of process of law.

2. Heard Sri G.U.R.C. Prasad, learned counsel for the petitioner, and learned Additional Public Prosecutor for the State of Andhra Pradesh.

3. Substantially, the submissions made by the learned counsel for petitioner are in the direction of improvements being made during the course of statements made by the material witnesses, when examined under Section 161 Cr.P.C. The other submission has been that there was no public view, so as to attract the offence punishable under the provisions of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, as no one was present, at the time, when the alleged abuses were said to have hurled by the petitioner herein.

4. These submissions, in fact, relate to appreciation of evidence. If improvements are made by the witnesses, while making statements

under Section 161 Cr.P.C., the said improvements can be confronted, while drawing the attention to the statements that were made under Section 161 Cr.P.C., in view of the explanation having been introduced to Section 162 Cr.P.C. It is for the trial Court to appreciate whether such an omission would amount to material contradiction or not, but not for this Court while dealing with a petition under Section 482 Cr.P.C.

5. So far as public view is concerned, no doubt, learned counsel for the petitioner would submit that the said ingredient is absent in the present case, but, however, a reading of Section 161 Cr.P.C. statements would show that the petitioner uttered the words while standing in front of the house of *de facto* complainant. So, whether it is within public view or otherwise, is also a fact to be appreciated by the trial Court, when a full-fledged trial takes place. It is not a case to view that the proceedings, if conducted, would amount to abuse of process of law.

6. Accordingly, the Criminal Petition is dismissed. Miscellaneous Petitions, if any, pending in this Criminal Petition, shall stand closed.

A. SHANKAR NARAYANA, J

March 06, 2017.
MD