

THE HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

CRIMINAL PETITION No.2048 of 2017

ORDER:

The request in the present petition filed under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'the Code') is to quash the proceedings against the petitioners/Accused in Crime No.405 of 2016 of P.S.Sarpavaram, East Godavari District.

The petitioners alleged to have committed the offences punishable under Sections 341, 324, 323, 427 and 143 read with 149 IPC and Section 3 (2) (v) (a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Sri Y.Seshagiri Rao, learned counsel for the petitioners, though, tendered arguments mainly contending that the main ingredient of 'public view', as required under the provisions of the Special Act dealing with the offences alleged against the petitioners, is not satisfied from the contents of the complaint, however, he restricts his request to the extent of directing the Investigating Officer to follow the procedure inlaid under Section 41A of the Code. It is needless to mention that the offences alleged against the petitioners are punishable with imprisonment for a period less than seven years, in which case the procedure contemplated by the provisions of Section 41A of the Code and the directions/guidelines issued by the Hon'ble

Supreme Court in **Arnesh Kumar v. State of Bihar**¹, have to be invariably followed by the Investigating Officer.

With the above observations, the Criminal Petition is dismissed at the stage of admission itself.

Miscellaneous applications, if any pending in this criminal petition, stand closed.

A.SHANKAR NARAYANA, J

Date: 14.03.2017

Note: Issue CC by tomorrow

B/o
v v



¹ (2014) 8 SCC 273