

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION NO.2815 OF 2017

ORDER:

This Criminal Petition under Sections 438 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.'), is filed to enlarge the petitioners/A-1 to A-3 on pre-arrest bail since they are apprehending arrest in connection with Crime No. 111 of 2017 of Police Station, Godavarikhani I Town, Peddapalli District, registered for the offences punishable under Sections 417, 420, and 323 IPC, Section 3 (1) (r) (s) of SCs and STs (POA) Act, 1989 (Amendment Act, 2015).

After arguing the matter for a while, learned counsel for the petitioners requested this Court to permit the petitioners to surrender before the concerned Special Judge for trial of Cases under SCs and STs (POA) Act and on such surrender, if any application is filed before the concerned Special Judge for trial of Cases under SCs and STs (POA) Act under Sections 437 and 439 of Cr.P.C., the presiding officer may be directed to decide the petition on the same day, as there is a prohibition under Section 18 of the SCs and STs (POA) Act to exercise power under Section 438 Cr.P.C.

Acceding to the request of the learned counsel for the petitioners, without touching any merits of the case, I deem it proper to permit the petitioners/A.1 to A.3 to surrender before the concerned Special Judge for trial of Cases under SCs and STs (POA) Act and on such surrender, if any application is filed before the

concerned Special Judge for trial of Cases under SCs and STs (POA) Act under Sections 437 and 439 of Cr.P.C., after serving notice on the Public Prosecutor concerned, the presiding officer is directed to decide the petition on the same day, in accordance with law.

Accordingly, the criminal petition is disposed of.

Consequently, miscellaneous applications pending if any, shall also stand dismissed.

JUSTICE M. SATYANARAYANA MURTHY

Date:11.04.2017
ccm



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