

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.9772 OF 2017

ORDER:

Heard the learned counsel for the petitioners/ A1 to A4 of Crime No.304 of 2017 of Badvel(U) Police Station, Kadapa District, registered for the offences punishable under Sections 448, 323, 324 r/w 34 I.P.C. and Section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'the Act') and learned Public Prosecutor appearing for the State, before ordering notice to respondent No.2/ de facto complainant and perused the grounds in the criminal Petition and the contents of the F.I.R.

No doubt, as pointed out by the learned Public Prosecutor from perusal of the contents of the F.I.R. which is with no delay, the offences referred of the I.P.C. attracts including Section 3(2)(v)(a) of the Act and it is also the submission that the wording of neighbours not chosen to come forward indicates the public view to attract Section 3(1)(r) and (s) of the Act, though it is the contention of the learned counsel for the petitioners that there is no public view to attract Section 3(1)(r) or (s) of the Act.

Having regard to the above, the investigation shall go on for nothing to interdict. However, the petitioners are entitled to the concession of Section 41-A Cr.P.C. for none of the offences are punishable above seven years.

Accordingly, the Criminal Petition is disposed of. All the defences are left open.

Miscellaneous petitions pending if any, shall stand closed.

Date: 25-10-2017

Note:
Issue C.C. tomorrow.

B/o.
pab

Dr. B. SIVA SANKARA RAO, J

