

* HONOURABLE SRI JUSTICE T. AMARNATH GOUD

+ CRIMINAL PETITION NO. 6374 OF 2011

% 06/10/2017

Poliseti Srinivas @ Srinu & Ors. ...

Petitioners

V/s.

§ The State of Andhra Pradesh
Represented by its Public Prosecutor
High Court of Judicature for the
State of Telangana & A.P.
Hyderabad & Anr. ...

Respondents-Defacto
Complainant

! Counsel for the petitioners :

Smt. I. Maamu Vani

^ Counsel for the respondents :

Public Prosecutor [AP]

< Gist :

> Head Note :

? CITATIONS :

1) 2005 [1] ALT [CrI.] 213 [AP]



IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

FRIDAY THE SIXTH -DAY OCTOBER
TWO THOUSAND AND SEVENTEEN

P R E S E N T
HONOURABLE SRI JUSTICE T. AMARNATH GOUD

CRIMINAL PETITION NO. 6374 OF 2011

Between:

Poliseti Srinivas @ Srinu & Ors. ... Petitioners

V/s.

The State of Andhra Pradesh
Represented by its Public Prosecutor,
High Court, Hyderabad & Anr. ... Respondents

Counsel for the Petitioner : Smt. I. Maamu Vani

Counsel for the Respondent : Public Prosecutor [AP]

The court made the following: [order follows]

HONOURABLE SRI JUSTICE T. AMARNATH GOUD

CRIMINAL PETITION NO. 6374 OF 2011

ORDER :

The petitioners 1 to 3 are Accused No.1 to 3 in PRC.No.82 of 2010 on the file of the Court of II-Additional Judicial Magistrate of First Class, Tanuku, West Godavari district, in Crime No.138 of 2010 of Tanuku [T] Police Station, West Godavari district, registered for the offence punishable under section 323 read with section 34 of IPC and section 3 [1] [x] of SC/ST [POA] Act, 1989.

2. The case of the prosecution is that LW-1 Mallipudi Raj Kumar was beaten by the accused in a private party on 14/7/2010 and was also abused by his caste name in un-parliamentary language. Investigation has been completed and charge sheet is filed.

3. Heard both sides, perused the material available on record.

4. The offence has taken place at 07:00 p.m., on 14/7/2010 at Share Consultancy Office of A-2 situated on the eastern side of Varanasi Vari Street [old CPI Office Road, Tanuku Town], which is 1 KM away

from Tanuku Police Station and on 15/7/2010 at 03:00 a.m., case has been registered in FIR.No. 138 of 2010 by recording the statement of defacto complainant at 02:20 a.m. The contents in the complaint of LW-1 do not specifically say who abused and who has beaten him. LW-1 has been treated by LW-7 Dr.V.S. Sai Lakshmi, Civil Assistant Surgeon, Government Area Hospital, A.P. Vaidya Vidhana Parishad, Tanuku, for causing simple injuries. In the charge-sheet as well as in the complaint and also the eye-witness LW-4 Varanasi Deekshitulu have not made any specific allegation against the accused persons. LW-2 Kollapu Praveen Babu, who was present in the adjacent room was loading software in the laptop took him to the Government Hospital, Tanuku is the eye-witness in the complaint of LW-1 has stated that there are almost ten persons present in the private party and the Investigating Officer has not investigated into the issue and the personal identification nor examined the witnesses. There is a delay in filing the complaint. The complaint and charge sheet are silent about the specific allegations including the statements recorded by the Investigating Officer.

5. This Court in **GARA YESOBU AND ORS. V/s. STATE OF A.P.**, represented by its Public Prosecutor, Hyderabad and Ors.¹, in Criminal Petition Nos. 2512, 3342, 5086 and 5225 of 2003 has decided similar issue on 15/09/2004.

6. In the light of the omnibus allegations and for the reasons stated above, this Criminal Petition is allowed and PRC.No. 82 of 2010, which is numbered as SCs & STs Case No. 13 of 2011 on the file of the Court of II-Additional Judicial Magistrate of First Class, Eluru, West Godavari district, is quashed.

7. As a sequel, miscellaneous petitions if any, pending in this Criminal Petition shall stand closed.

JUSTICE T. AMARNATH GOUD.

06/10/2017
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¹) 2005 [1] ALT [Crl.] 213 [A.P.]

HONOURABLE SRI JUSTICE T. AMARNATH GOUD

CRIMINAL PETITION NO. 6374 OF 2011
[ALLOWED]



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Court Master: I s L