

THE HONOURABLE Dr.JUSTICE B. SIVA SANKARA RAO

Criminal Petition Nos.7493 and 7444 of 2017

COMMON ORDER :

Heard the learned counsel for the respective petitioners in two petitions outcome of Cr.No.92 and 96 of 2017 of Gudivada Rural Police Station, registered for the offences under Sections 323 r/ w 34 IPC and u/ sec.3(2)(Va) and 3(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act,1989(for short, 'the Act') and u/ sec.323 and 324 r/ w 34IPC and u/ sec.3(1)(R)(S) and 3(2) (Va) of the Act respectively. For these two cases, the same police registered another two cases on the report of one of the petitioners/ accused herein as defacto complainants vide Cr.Nos.90 and 97 of 2017. So far as the Cr.Nos.90 and 92 concerned, registered on 27.07.2017. So far as the Cr.Nos.96 and 97 concerned, were registered on 05.08.2017. The Cr.No.90 registered is for the offences punishable u/ sec.143,447 and 506 r/ w 149IPC and Cr.No.97 is registered for the offences punishable u/ sec.143,447,324,323 and 384 r/ w 149IPC. It is in relation to the objection raised by the villagers some of them belong to Scheduled Caste and/or Schedule Tribe including the respective defacto-complainants of Cr.Nos.90 and 97 when the accused persons therein are choosing to excavate the earth and to form tanks for fish/prawn cultivation from the so called provisional permission they obtained which is not even official permission after due enquiry.

Having regard to the above, there is nothing to interdict the investigation since the police are required to investigate the case to unearth the truth as to who are the aggressors to what extent any of them responsible and to file final report, if any. In all the 4 crimes supra, irrespective of the accused of two other Crimes vide Cr.Nos.90 and 97 not moved the Court, police strictly follow Section 41-A IPC and also the guidelines in Apex Court in Arnesh Kumar Vs. State of Bihar¹, If at all arrest of any of the accused persons is required and this will not prevent the police to secure presence of any of the persons for the purpose of investigation.

Accordingly, these two Criminal Petitions are disposed of. Consequently, pending miscellaneous petitions, if any, shall stand closed.

Date:30.08.2017
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Dr. B.SIVA SANKARA RAO J,

¹ (2014) 8 SCC 273