

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.6577 of 2017

ORDER:

Heard learned counsel for the petitioner/A.1 in crime No.65 of 2017 of Chirala II Town Police Station, Prakasam District, registered for the offences under Sections 498-A, 506 & 509 IPC r/w 34 IPC and Sections 3(1)(r)(s), 2(va) of SC & ST (POA) Act, and also learned Public Prosecutor representing the State.

It is the contention of the learned counsel for the petitioner that prima facie there is no offence under Sections 3(1)(r)(s), 2(va) of SC & ST (POA) Act that applies for nothing happened in public view within the meaning of the Section. It is also the contention that these allegations are engineered to misuse the provisions of the Act prima facie there is no force in the contention, apart from it the other offences are under Sections 498-A, 506 & 509 IPC.

In view of the order of this Court dated 31.07.2017 in CrI.P.No.6493 of 2017 relying upon the latest two Judge Bench expression of the Apex Court dated 27.07.2017 in CrI.A.1265 of 2017 (SLP (CrI.) No.2013 of 2017 in **Rajesh Sharma & Others Vs. State of U.P. & Another**), this is a fit case to refer the matter to the Committee for report to consider any reconciliation.

Having regard to the above and as per the directions of the Apex Court, the Criminal Petition is disposed of while directing the Investigation Officer to investigate, but not to arrest the petitioner unless report of the Committee on its constitution is received, however this does not prevent the securing for interrogation as part of investigation.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 01.08.2017
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