

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.6237 of 2017

ORDER :

The petitioner is accused No.10 in P.R.C.No.58 of 2008 on the file of the IV Additional Chief Metropolitan Magistrate, Hyderabad, which is out come of Crime No.330 of 2017 of Osmania University Police Station, Hyderabad, registered for the offences punishable under Section 3(x) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, and Sections 147 and 307 read with 149 IPC on the report of the *de facto* complainant-2nd respondent. The police after investigation filed the final report. The learned committal Magistrate has taken cognizance and committed the case to the Court of Session. The petitioner was shown as absconding and other accused faced trial in Special S.C.No.8 of 2013 pending on the file of the Special Judge for trial of offences under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act-cum-VI-Additional Metropolitan Sessions Judge, Secunderabad, and the learned Sessions Judge by judgment, dated 14.02.2017, acquitted accused Nos.1 to 7 found them not guilty of any of the offences as there is no sufficient evidence on record to prove the charges. In fact, a perusal of the judgment shows PW.1-*de facto* complainant did not even support the giving of report and occurrence, thereby continuation of proceedings against the petitioner even showing him as absconding from the beginning is practically futile for nothing deposed by the *de*

facto complainant against any of the accused persons. Leave about the other contentions of the petitioner was in Excise Training Academy among one of the 100 trainees selected at Sl.No.93, by the proceedings of the Director, A.P. Prohibition and Excise Academy, Hyderabad, bearing No.9/2007/HRD/A1, dated 30.04.2008, for a period of six months from 01.11.2007 to 30.04.2008 and the alleged occurrence as per the report was on 26.12.2007 and the Director of Prohibition and Excise Academy also issued a certificate showing the petitioner was staying in the academy and there was no permission to leave the quarters and he did not leave but for Sankranti Festival.

2. Having regard to the above, the criminal petition is allowed quashing all the proceedings relating to P.R.C.No.58 of 2008 on the file of the IV Additional Chief Metropolitan Magistrate, Hyderabad, against the petitioner/accused No.10 and he is acquitted for the offences punishable under Section 3(x) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, and Sections 147 and 307 read with 149 IPC. The bail bonds of the petitioner/accused No.10 shall stand cancelled.

3. Miscellaneous petitions pending, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

6th September 2017.

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