

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.9233 OF 2017

ORDER:

Heard learned counsel for the petitioners/ A1 to A8 of Crime No.106 of 2017 dated 08.09.2017 of Pithapuram Rural Police Station, East Godavari District, registered for the offences punishable under Sections 323, 324 506 r/w 149 I.P.C. and 3(1)(r)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 2015(1 of 2016) (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 urged in the Criminal Petition, contents of F.I.R. and also counter case covered by crime No.107 of 2017 on the report of A6 against the de facto complainant and others.

The occurrence is in relation to the altercation while the so called procession of Ganapathi was going on as also can be seen from the paper clipping and leave about the contention of the de facto complainant among others are not belong to the Scheduled Caste, but, they are Christians and hence, the matter requires investigation and file any material before the Police.

Prima facie, as pointed by the learned counsel for the petitioners that there is no accusation to attract Sections 3(1)(r)(s) of the Act but for if at all Sections 323 I.P.C. and Section 3(2)(va) of the Act and even the offence under Section 323 I.P.C. is bailable one.

Having regard to the above, the investigation shall go on. However, the petitioners/ A1 to A8 shall not be arrested pending investigation. This will not prevent the Police to secure any of the petitioners for the purpose of investigation or for any law and order problem to initiate the proceedings as contemplated by Chapter-VIII of Cr.P.C.

Accordingly, the Criminal Petition is disposed of.

Pending miscellaneous petitions pending if any shall stand closed.

Date: 22-09-2017
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Dr. B. SIVA SANKARA RAO, J

