

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.7404 OF 2017

ORDER:

Heard learned counsel for the petitioner/ accused of Crime No.266 of 2017 of Nellore Rural Police Station, SPSR Nellore District, registered for the offences punishable under Sections 420 I.P.C., and 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (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 and the contents of the F.I.R.

No doubt, a perusal of the very contents, there is no attract of provisions of Section 3(i)(r)(s) of the Act, since there is no public view from the averments of other persons came is only after his hearing cries, that too, the incident took place in the premises of the accused on the next day. However, the fact remains that once the offence punishable under I.P.C. is there covered by the Schedule of the Act, second Section 3(ii)(va) of the Act applies, but for, to observe that none of the offences are punishable above seven years. Hence, there is nothing to interdict the investigation.

Having regard to the above, the Criminal Petition is disposed of, directing the police to proceed with the investigation and in

the event of any necessity of arrest of the petitioner, they have to follow Section 41-A Cr.P.C. and the guidelines of the Apex Court as laid down in *Arnesh Kumar v. State of Bihar*¹, strictly. All the defences of the accused are left open.

Miscellaneous petitions pending if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date:01-09-2017

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¹ (2014 (2) ALT (CrI.) 457 SC)