

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.9885 OF 2017

ORDER:

Heard the learned counsel for the petitioner/ A1 of Crime No.187 of 2017 of Bayyaram Police Station, Mahabubabad District, registered for the offences punishable under Sections 294(b), 323 r/w 34 I.P.C., and Section 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2015 (for short 'the Act') and the learned Public Prosecutor representing the State before ordering notice to the 2nd respondent and perused the grounds urged in the quash petition and the F.I.R.

There is a force in the contention of the learned counsel for the petitioner that apart from three days delay in giving the report, there is no public view to attract the provisions of the Act, but for, if at all the I.P.C. offences under Sections 294(b) or 323 I.P.C. if not 506 I.P.C.

Having regard to the above, though there is nothing to interdict the investigation there from, at best Section 3(2)(va) of the Act that applies. Hence, the police are directed to proceed with the investigation and the petitioner/ A1 shall not be arrested pending investigation. However, this will not prevent the Police to secure his presence for the purpose of investigation as and when required.

Accordingly, the Criminal Petition is disposed of.

Miscellaneous petitions pending if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date: 27-10-2017
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