

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL REVISION CASE NO.102 OF 2018

ORDER:

This revision is filed by the petitioner-accused under Sections 397 and 401 Cr.P.C. aggrieved by the order, dated 20.11.2017 in CrI.M.P.No.353 of 2016 in S.C.No.75 of 2015 on the file of the Special Sessions Judge for trial of Cases under the SCs & STs (PoA) Act-cum-XI Addl. District & Sessions Judge, Visakhapatnam.

2. Heard learned counsel for the petitioner-accused learned Assistant Public Prosecutor representing the respondent-State and perused the record.

3. Learned counsel for the petitioner-accused would submit that the petitioner is a School Head Master. The allegations leveled against him do not constitute an offences punishable under Sections 506 and 509 IPC and 3 (1) (x)(xii) of SC & ST (PoA) Act. The impugned report was lodged with false and baseless allegations. Without there being proper investigation, charge sheet is filed. There is no direct witness to the alleged incident and ultimately, prayed to discharge the petitioner-accused.

4. Learned Assistant Public Prosecutor representing the State opposed the grant of relief in the revision filed by the petitioner.

5. As seen from the material on record, the Court of Session while dealing with the discharge application filed in CrI.M.P.No.353 of 2016 passed elaborate order on 20.11.2017 dismissing the application filed by the petitioner for discharge. There is specific allegation against the petitioner in the report lodged with the police on 17.07.2014.

The allegation is that the petitioner alleged to have indulged in commission of offence mentioned under Section 3 (1) (x)(xii) of the SCs & STs (PoA) Act. This aspect was already discussed by the Court of Session. Further in the statement of witnesses also, there is mention of petitioner indulging in offensive acts as indicated above in the report, dated 17.07.2014. The statements of witnesses prima facie show the insult meted out to the de facto complainant by the petitioner in the name of caste. No case is made out for discharge. The impugned order was passed on material available on record. There is no mis-carriage of justice. The revision is devoid of merit and is liable to be dismissed.

6. Accordingly, the Criminal Revision Case is dismissed. Miscellaneous petitions, if any pending in this Revision shall stand closed.

DR.SHAMEEM AKTHER, J

DATED: 17-04-2018.

Hsd

