

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Petition No.1767 of 2018

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioner/accused No.4, seeking to quash the proceedings in S.C.No.51 of 2016 on the file of the Special Judge for trial of cases under SCs & STs (POA) Act – cum – VIII Additional District Judge, Eluru, (arising out of crime No.13 of 2016 of Achanta Police Station, West Godavari District, registered for the offences under Section 395 of I.P.C. and Section 3(2)(v) of SCs & STs (POA) Act, 1989).

2. Heard the learned counsel for the petitioner/accused No.4, learned Assistant Public Prosecutor representing the 1st respondent-State and perused the record.

3. The learned counsel for the petitioner/accused No.4 would submit that the petitioner/accused No.4 has come during Pongal holidays and alleged to have committed the aforementioned offences. Even in the First Information Report and also in the charge-sheet, no offence under Section 395 of I.P.C. and Section 3(2)(v) of SCs & STs (POA) Act, 1989 is alleged against the petitioner/accused No.4. There are no direct witnesses to support the prosecution case implicating the petitioner/accused No.4 and ultimately prayed to allow the application.

4. It is brought to the notice of this Court that charges are not yet framed in the subject Sessions Case by the Court of Session. Under these circumstances, the petitioner/accused No.4 is at

liberty to agitate all his defences before the Court of Session during the hearing contemplated for framing charges. If required, the petitioner/accused No.4 may file an application under Section 239 of Cr.P.C. before the Court of Session for discharge.

5. With the above observation, this Criminal Petition is disposed of.

Miscellaneous petitions, if any, pending in this Criminal Petition, shall stand closed.

Dr. SHAMEEM AKTHER, J

16th February, 2018
Bvv

