

THE HON'BLE SRI JUSTICE P.KESHA RAO

CRIMINAL REVISION CASE No.432 OF 2018

ORDER:

This Criminal Revision Case is filed questioning the orders passed in CrI.M.P.No.30 of 2017 in S.C. No.31 of 2010 dated 15.12.2017 on the file of the Special Sessions Judge for trial of cases under SCs & STs (POA) Act-cum-XI Additional District & Sessions Judge, Visakhapatnam, dismissing the petition filed under Section 227 of Cr.P.C. to discharge the petitioners from the charges levelled against him.

Heard the learned counsel for the petitioners, second respondent as well as the Public Prosecutor appearing for the first respondent-State.

The facts, in brief, are that the petitioners herein, who are A.1, A.2 & A.4 are charged for the offences under Sections 448, 341, 352 r/w 34 IPC and also under Section 3(1)(x) of Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'the Act'). The main allegation against the petitioners herein is that they have abused the de facto complainant-respondent No.2 herein and her husband taking their caste name and highhandedly trespassed into their house. Pending the S.C., the petitioners herein filed a petition vide CrI.M.P.No.30 of 2017 under Section 227 of Cr.P.C. to discharge them from the charges. The said petition was dismissed by the Court below on 15.12.2017. Aggrieved by the same, the present revision is filed.

The learned counsel appearing for the petitioners would contend that a perusal of the complaint, charge sheet and the statements of witnesses would not disclose that the words alleged

to have been made against the complainant and her husband would fall within the 'public view'. Therefore, there is no *prima facie* case as far the offence under Section 3(1)(x) of the Act.

Per contra, the learned counsel appearing for the respondent No.2 brought to the notice of this Court the chief-examination of P.W.1, wherein it is specifically mentioned that one Ramu-L.W.6 and others have witnessed the said incident. Even in the memo of evidence annexed to the charge sheet, it is mentioned that L.Ws.5 to 7 will speak of their presence at the time of offence committed by the petitioners herein etc. In these circumstances, it cannot be said that no *prima facie* case is made out against the petitioners for the commission of offence under Section 3(1)(x) of the Act. As such this Court is of the opinion that there are no merits in the Criminal Revision Case and the same is liable to be dismissed.

Accordingly, the Criminal Revision Case is dismissed. However, the learned counsel for the petitioners requested the Court to dispense with the presence of the petitioners since it is difficult for them to attend the Court on each and every date of hearing more particularly, petitioner No.1 being a woman and petitioner No.3 is coming from Machilipatnam. In these circumstances, the presence of the petitioners during the course of trial in S.C.No.31 of 2010 is dispensed with except on the occasions whenever their presence is insisted by the Court below.

Pending miscellaneous petition, if any, stands closed.

P.KESHAHA RAO,J

16th JULY 2018.
Tsr