

HON'BLE SRI JUSTICE P. KESHA VA RAO

CRIMINAL REVISION CASE No.814 of 2018

ORDER:

Heard the learned counsel for the petitioners and the learned Public Prosecutor appearing for the first respondent-State.

Though notice is served on the second respondent, pursuant to the orders passed by this Court, she has not chosen to appear either in person or by engaging any counsel.

The present criminal revision case is filed questioning the orders dated 30.12.2017 passed in CFR No.3082 of 2017 in Crime No.47 of 2015 of Tada Police Station in taking cognizance of the offences under Section 323 IPC and Sections 3(1)(X) of SC & ST (POA) Act against the petitioners herein on the file of the Court of the Additional Judicial Magistrate of First Class, Sullurpet.

The facts of the case are that the second respondent herein, filed a complaint against the petitioners herein on 08.03.2015 stating that on that day in the morning hours, there was quarrel in respect of tree between Kanchi Venkata Ramaiah and Bhupathi. At that time, the second respondent was present there. Two hours thereafter, when she was cleaning the vessels, Bhupathi and his sons Dorababu and Giribabu pushed the stove on her and they tried to beat her by saying "*Lanja move from here are you doing broker works, mala lanja, why are you staying here?, and by calling me come out and destroyed all the stock of cigarettes and other items total worth of Rs.10,000/- and glass almirahs along with their wives and some other unidentified persons by abusing me 'fuck your mother'.*" Pursuant to the said complaint, a crime was registered vide FIR No.47 of 2015 for the offences under Sections 427 r/w 149 IPC and Section 3(1)(x) of SC & ST (POA) Act. Pursuant to the registration of the crime, investigation was conducted and the

investigating agency, submitted a report to the effect that it is a false case. The second respondent, after service of notice on the false report, submitted protest application in the form of complaint before the learned Additional Judicial Magistrate of First Class, Sullurpet. Pursuant to the complaint, and after recording the statements of the second respondent and the other witnesses, the Court has passed orders on 30.12.2017 taking cognizance of the offences against the petitioners and issued summons by orders dated 30.12.2017. Aggrieved by the same, the present criminal revision case is filed.

The learned counsel appearing for the petitioners vehemently argued that no prima facie case is made out against the petitioners, much less for the offence under Section 323 IPC and Section 3(1)(x) of SC & ST (POA) Act. The learned counsel also brought to the notice of this Court that in the complaint dated 8.3.2015, the names of the petitioners, is not mentioned. For the first time, the second respondent has mentioned the names of the petitioners only in the protest petition. Therefore, there is an improvement in the protest petition when compared with the original complaint lodged by the second respondent. Per contra, the learned Public Prosecutor appearing for the first respondent-State, submitted that there are specific allegations in the complaint as well as in the protest petition with regard to the commission of the offence. It is the specific case of the second respondent that on 8.03.2015 in the morning hours, she was assaulted by the petitioners 1, 3, 5, and 7.

Having heard both the learned counsel and perusal of the material on record, it is revealed that there is specific allegation with regard to the commission of the offence on 8.3.2015 in the morning hours. However, a perusal of the report submitted by the investigating agency as false, does not indicate, any reason. In fact, it is only a proforma notice to the complaint. In the protest petition, filed in response to referring the case as

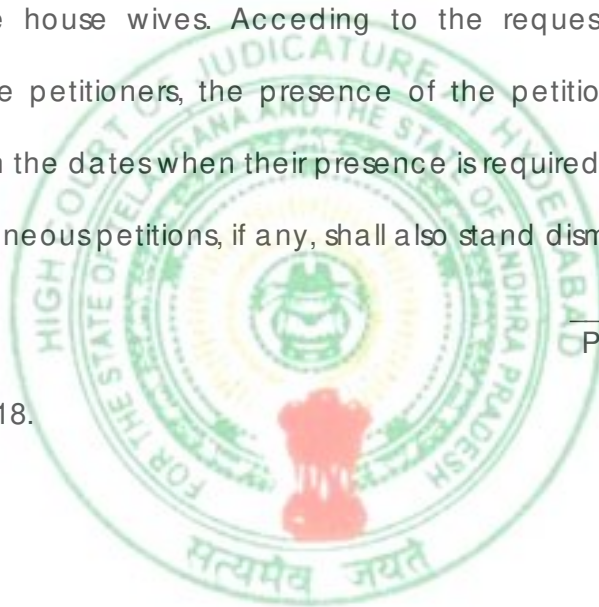
false, the second respondent has categorically stated with reference to the date and time about the commission of the offence. It also indicates the names of the petitioners who were present at the scene of offence. In these circumstances, this Court is of the opinion that there is no irregularity or illegality in the orders passed by the Court below in taking cognizance of the offences against the petitioners. Thus, there are no merits in the criminal revision case.

Accordingly, the criminal revision case is dismissed. After the order is pronounced, the learned counsel for the petitioners has requested this Court to dispense with the presence of the petitioners since some of the petitioners are house wives. Acceding to the request of the learned counsel for the petitioners, the presence of the petitioners is dispensed with except on the dates when their presence is required.

Miscellaneous petitions, if any, shall also stand dismissed.

P. KESHAVA RAO, J

Date: 18.07.2018.
CCM



HON'BLE SRI JUSTICE P. KESHAVA RAO



CRIMINAL REVISION CASE No.814 of 2018

Date:18.07.2018

ccm