

THE HONOURABLE Dr.JUSTICE B.SIVA SANKARA RAO

Criminal Petition No.7223 of 2017

ORDER :

The petitioner is the sole accused in Cr.No.976 of 2017 dt.23.07.2017 of KPHB colony, registered for the offence punishable under Section 3(1) ® of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) amended Act, 1989 (for short, 'the Act') and under Section 506 IPC.

The sum and substance of report of the defacto-complainant Pawan Kumar in registration of the crime is that he is doing construction contract work and as a part of it when doing work in the premises of MIG 890 along with workers, the accused Anand Kumar Dhavala caused obstruction to his works and abused him as 'Madiga Lanjakoduka' and sent him and his workers away from there.

A perusal shows there is no criminal intimidation to attract under Section 506 IPC prima facie therefrom however abusing touching caste in public view is there. Thereby there is nothing to quash the offence u/ sec.3(1) ® of the Act, but for to investigate. Needless to say said offence is not punishable even 7 years, if at all any arrest of the petitioner is required, the police shall strictly follow Section 41-A of CrPC, and also the guidelines in Arnesh Kumar Vs. State of Bihar¹.

Having regard to the above, the Criminal Petition is disposed of. Pending miscellaneous petitions, if any, shall stand closed.

Dr. B.SIVA SANKARA RAO J,

Date:30.10.2018
vvr

¹ (2014) 8 SCC 273