

THE HON'BLE Dr JUSTICE SHAMEEM AKTHER

Criminal Revision Case No.2605 of 2016

ORDER:

This Criminal Revision Case, under Sections 397 & 401 of the Code of Criminal Procedure, 1973, is filed by the petitioner/complainant, to set aside the order, dated 05.08.2016, passed in S.R.No.2871 of 2014 by the Judicial Magistrate of First Class, Madhira, Khammam District, whereby, the Court below declined to take cognizance against A.1 and A.2 for the offences under Sections 342, 384 of I.P.C. and Section 3(1)(x) of The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 ('the Act', for brevity).

2. Heard the learned counsel for the petitioner/complainant, learned Assistant Public Prosecutor representing the 4th respondent-State. The 1st respondent/A.1 refused to receive notice. In spite of service of notice on the 2nd respondent/A.2, he did not choose to appear before this Court. Perused the record.

3. The learned counsel for the petitioner/complainant would submit that there are sworn statements of P.Ws.1 to 4 connecting A.1 and A.2 to the alleged offences. Merely because the Caste Certificates of A.1 and A.2 are not filed, the Court below cannot decline to take cognizance against them for the offence under Section 3(1)(x) of the Act and ultimately prayed to allow the Criminal Revision Case.

4. The learned counsel for the petitioner/complainant did not press the offences punishable under Sections 342 and 384 of I.P.C.

against A.1 and A.2. As per the sworn statements of the witnesses, the petitioner/complainant belongs to 'Erukala' caste (ST). He filed his Caste Certificate in support of the said statement. No Caste Certificates of A.1 and A.2 are required to be filed to show their caste at this stage. There is specific mention in the sworn statements of the witnesses that the petitioner/complainant belongs to 'Erukala' caste (ST) and that A.1 and A.2 do not belong to the said caste. When there is specific mention in the sworn statements of the witnesses and the document showing the caste of the petitioner/complainant, the Court below erred in not taking cognizance against A.1 and A.2 for the offence under Section 3(1)(x) of the Act. In view of the above, the contentions of the petitioner/complainant merits consideration.

5. Under these circumstances, the Court below is directed to take cognizance against A.1 and A.2 for the offences under Section 3(1)(x) of The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, along with Sections 294(b), 324, 506 of I.P.C. and proceed to determine the *lis* in accordance with law.

6. The Criminal Revision Case is allowed accordingly.

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

Dr. SHAMEEM AKTHER, J

03rd April, 2018
Bvv