

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.8819 of 2011

ORDER:

This petition is filed, seeking for quash of the order dated 01.07.2011, passed in CrI.R.P.No.77 of 2010 by the Special Sessions Judge for SC/ST Cases-cum-VII Additional Sessions Judge at Warangal.

2. Heard the counsel for the petitioner and the Public Prosecutor appearing, for the 1st respondent as well as the counsel appearing, for the 2nd respondent.

3. Earlier, on the complaint filed by the complainant, investigation was done and final report was filed, referring the case as a false case. On that, a protest petition was filed viz., CrI.P.M.P.No.1812 of 2009 in C.C.No.90 of 2009, which was dismissed. Questioning the said dismissal order, the impugned revision viz., CrI.R.P.No.77 of 2010 was preferred. By the impugned order, dated 01.07.2011, the Special Sessions Judge for SC/ST Cases-cum-VII Additional Sessions Judge at Warangal, allowed the revision and directed the Judicial Magistrate of First Class, Jangaon to take cognizance after considering the evidence let in by the complainant and to issue summons to the accused as *prima facie* case is made out against the accused.

4. The allegations in the complaint show that they are made against the accused attracting the alleged offences against them, but the final report shows that eye witnesses deposed that

except an argument between the complainant and A1 about the dues to be paid to the complainant, nothing happened and no one abused the complainant in the name of his caste. Even before the court, in the evidence given by the witnesses, the complainant stated that the accused abused him in his caste name and beat him. But the statements of other witnesses would show that only A1 abused the complainant in his caste name. But their evidence shows that A1 and A2 and other accused pounced on the complainant and tried to beat the complainant. Hence, when there is supporting evidence for the evidence of PW1, with regard to A1 and A2 beating the complainant, merely because the witnesses did not specifically state that A2 abused the complainant in his caste name, the evidence of the complainant cannot be ignored. Hence, the truth of the complaint can be evaluated only after the other witnesses are cross-examined.

5. Hence, in view of the above, this court opines that it is not safe to quash the proceedings against the petitioners at this stage.

With the above observations, the Criminal Petition is dismissed. As a sequel, the miscellaneous applications, if any pending, shall stand closed.

T. RAJANI, J

September 25, 2018
LMV