

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.6418 OF 2018

ORDER:

This criminal petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') to quash the proceedings in Crime No.129 of 2018 of Penagalur Police Station, YSR Kadapa District, registered for the offence punishable under Sections 304-II and 201 of the Indian Penal Code, 1860 (for short 'I.P.C.') and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 (for short 'the Act'), on various grounds.

Heard the learned counsel for the petitioner and the Public Prosecutor for the State (A.P.).

The case of the prosecution in brief is that the petitioner allegedly arranged a live wire around the mango garden to prevent animal trespass into the garden, but the deceased had contacted with live wire and found dead. On the basis of these allegations, the police registered the above crime and issued F.I.R.

Since the deceased belong to Scheduled caste, the police registered the crime under Section 3(2) (va) of the Act.

Section 3(2) (va) of the Act deals with the punishment for offences of atrocities, whoever, not being a member of a Scheduled Caste or a Scheduled Tribe commits any offence specified in the Schedule, against a person or property, knowing that such person is a member of a Scheduled Caste or a Scheduled Tribe or such property belongs to such member, shall be punishable with such

punishment as specified under the Indian Penal Code (45 of 1860) for such offences and shall also be liable to fine.

Here, the offence allegedly committed by the petitioner under Section 304-II I.P.C. is not included in the Schedule of the Act. Therefore, the offence allegedly committed by the petitioner would not constitute an offence punishable under Section 3(ii) (va) of the Act, accepting the contention on its face value.

The specific allegation made in the complaint is that the petitioner arranging live electric wire around the garden caused death. The matter is to be investigated into to find out that whether the incident was due to negligence or otherwise and therefore, I am not inclined to quash the proceedings in Crime No.129 of 2018 for the offence punishable under Section 304-II I.P.C., while quashing the proceedings against the petitioner for the offence punishable under Section 3(2)(v) of the Act.

In the result, the criminal petition is partly allowed.

Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

M. SATYANARAYANA MURTHY, J

Date: 28.06.2018
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