

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.13581 2013

ORDER:

This criminal petition is filed for quash of the proceedings in SC.No.25 of 2013 against the petitioner, who is the accused, on the file of the Special Sessions Judge for trial of cases under the SCs and STs (POA) Act – cum – Additional District and Sessions Judge, Ranga Reddy District at L.B. Nagar. The offences alleged are under Sections 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short 'the Act') and Section 306 of the Indian Penal Code.

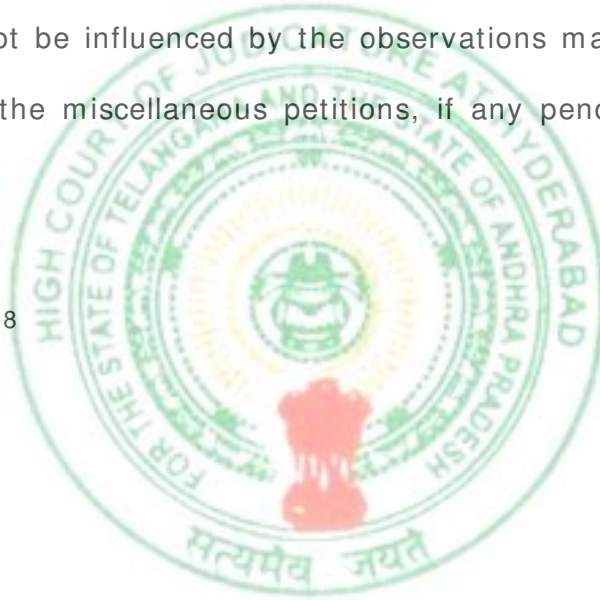
2. Heard the counsel for the petitioner and the learned Public Prosecutor, appearing for the respondent.

3. A perusal of the complaint, which is in the form of statement of the deceased, shows that it is mentioned therein that the accused abused the deceased in filthy language. There are no allegations that the accused abused the deceased in caste name. Even in the dying declaration, it is not mentioned as such. In the charge sheet also, though the offence under Section 3(1)(x) of the Act is added, the contents of the charge sheet do not disclose that there was any abuse made in the caste name of the deceased. Hence, in view of the above, this Court opines that the proceedings against the petitioner for the offence under Section 3(1)(x) of the Act needs to be quashed. But with regard to the offence under Section 306 IPC, the allegations are that the deceased committed suicide not being able to bear the filthy abuses made by the accused. Hence, unless the matter is tried,

it cannot be understood whether the gravity of the abuse is as such to abet the deceased to commit suicide.

In the light of the above, the criminal petition is allowed in part quashing the proceedings in SC.No.25 of 2013, against the petitioner, who is the accused, on the file of the Special Sessions Judge for trial of cases under the SCs and STs (POA) Act – cum – Additional District and Sessions Judge, Ranga Reddy District at L.B. Nagar, so far as the offence under Section 3(1)(x) of the Act is concerned and the proceedings, against the petitioner, may go on so far as the offence under 306 IPC is concerned. It is, however, made clear that the Court below shall not be influenced by the observations made hereinabove. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

November 8, 2018
DSK



T. RAJANI, J