

SMT JUSTICE T.RAJANI

CRIMINAL PETITION No.11071 OF 2011

ORDER:

This Criminal Petition, under section 482 of Cr.P.C., is filed by the Petitioners/A-1 to A-5 seeking to quash the proceedings in C.C. No.242 of 2011, pending on the file of the Court of Judicial Magistrate of First Class at Manthani, Karimnagar District (for short, 'the trial Court'), registered for the offences punishable under Sections 330, 348, 324 and 506 R/w.149 of I.P.C.

2. Heard learned counsel for the petitioners and learned Public Prosecutor, appearing for the 1st respondent – State. None appears for the 2nd respondent, in spite of service of notice.

3. The complaint is filed stating that the petitioners are the Police personnel in different designations of Korutla and Manthani Police Stations of Karimnagar District. Before effecting the arrest of the complainant herein in Crime No.112 of 2010, on 31.05.2010 at 11:00 P.M., and producing him before the Magistrate on 01.06.2010 at 10:30 A.M., the petitioners herein, in order to extract confession from him, have ill-treated and brutally tortured the complainant and a stick was placed in between his legs after laying him, facing towards earth and beat him blue and black on his two legs.

4. There is specific averment stating that the complainant herein was beaten in such a manner in order to see that no traces of beatings would appear on the surface. The allegation against the petitioners is that they have wrongfully confined the complainant throughout the night in order to extract confession in Crime No.112 of 2010.

5. Learned counsel further submits that the trial Court initially refused to take cognizance of the case by virtue of the order dated 01.07.2010 and dismissed the Petition; against that, the complainant herein approached this Court and this Court remanded the matter for fresh consideration by the trial Court. Thereafter, the learned Magistrate, after fresh consideration, took cognizance of the case.

6. Learned counsel submits that the allegation against the petitioners is that, in order to extract confession with regard to implicating one Tulsegari Srinu, they tortured the complainant, but, in fact, no confession was recorded and the same can be understood from the proceedings. But, a careful reading of the complaint would show that there is no averment stating that the confession was recorded, but in order to extract confession, the said illegal treatment was said to have been meted out by the complainant. As regards the injuries, though the Magistrate considered that the medical certificate did not show any injuries, in the light of specific averment made in the complaint that the petitioners have taken care to see that the injuries do not appear on the surface and the Police have adopted peculiar means of torturing him, it cannot be said that the absence of the injuries would become a basis to quash the proceedings. Hence, this Court opines that it is a matter to be enquired into when alone the truth would come out.

7. At this stage, learned counsel for the petitioners requested to dispense with the presence of the parties before the trial Court.

8. In view of the above, this Court considers that the presence of the parties before the Court below may not be insisted upon unless it is required for the proceedings of the case. Hence, in view of the above, the presence of the petitioners shall be dispensed with. But, however, the trial Court can direct the petitioners to be present on those dates of the proceedings in which their presence is required.

9. In the light of the above, the Criminal Petition is dismissed.

10. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

T. RAJANI, J

Date: 17.09.2018.
Dsh

SMT JUSTICE T.RAJANI

179



25092018

CRIMINAL PETITION No.11071 OF 2011

Date. 17.09.2018

DSH