

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL APPEAL No.1235 of 2014

JUDGMENT:

This Criminal Appeal, under Section 378(4) of the Code of Criminal Procedure, 1973, is filed by the appellant/State, challenging the judgment, dated 21.06.2012, passed in S.C.No.84 of 2010 (arising out of Crime No.19 of 2010 of Dindi Police Station) by the Special Sessions Judge for trial of SCs/STs (POA) Act Cases-cum-Additional District Judge, Nalgonda, whereby, the respondent herein/accused was acquitted under Section 235(1) of Cr.P.C., for the offences punishable under Section 323 of I.P.C. and Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. Heard the learned Additional Public Prosecutor (Telangana) representing the appellant/State and perused the record. There is no representation for the respondent/accused.

3. The Court below, vide judgment under challenge, acquitted the respondent/accused for the offences punishable under Section 323 of I.P.C. and Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The Court below did not discuss the evidence of the prosecution witnesses (P.W.1 to P.W.8) and recorded findings in a strange manner, without adverting to the procedure and law. No reasons are assigned in reaching to the conclusions by the Court below. The documents on record were not at all discussed. Under these circumstances, the impugned judgment is liable to be set aside.

5. Accordingly, this Criminal Appeal is allowed and the impugned judgment, dated 21.06.2012, passed in S.C.No.84 of 2010 (arising out of Crime No.19 of 2010 of Dindi Police Station) by the Special Sessions Judge for trial of SCs/STs (POA) Act Cases-cum-Additional District Judge, Nalgonda is set aside. Consequently, S.C.No.84 of 2010 is restored to its file, with a direction to the learned Special Sessions Judge for trial of SCs/STs (POA) Act Cases-cum-Additional District Judge, Nalgonda, to dispose of the same on merits, afresh, in accordance with law, after affording reasonable opportunity to both the parties.

Pending Miscellaneous Petitions, if any, shall stand closed.

20th December, 2018
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Dr. SHAMEEM AKTHER, J

