

HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

Crl.P. No.9998 OF 2018

ORDER:

This criminal petition is filed under Section 482 Cr.P.C. to direct the Special Judge for the Trial of Offences under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, Krishna District at Machilipatnam (for short 'Special Judge Court') not to proceed with the trial in S.C.No.5 of 2018 in terms of Section 210 Cr.P.C..

It is the case of the petitioner that the 2nd respondent lodged report with the Station House Officer, Pamarru Police Station on 14.08.2018 and no FIR was issued and that the 2nd respondent also filed a private complaint before the Special Judge Court and the same was taken on file after recording sworn statements of the witnesses and registered the same as S.C.No.5 of 2018.

During pendency of the private complaint, the 2nd respondent sent a representation to the SC & ST Commission, who in turn directed the D.S.P., to register the crime and proceed further. On the basis of the direction issued by the SC & ST Commission, the police registered a case in Crime No.160 of 2018 of Pamarru Police Station, for the offence punishable under Sections 3(1)(c) and 3(1)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and issued FIR.

The only request made by learned counsel for the petitioner is that when there is complaint case and police investigation in respect of the same offence are pending, the Court has to follow the procedure under Section 210(2) Cr.P.C. The police not yet filed final report and it is at the crime stage. If for any reason, the Court proceeded with the trial of the case against the petitioner for the same offence and dispose of the sessions case by the Special Judge Court, again they have to face another

trial, if the police filed charge sheet after completion of investigation, therefore, to avoid such conflict, I find that it is a fit case to grant stay of all proceedings in S.C.No.5 of 2018, pending of the file of Special Judge Court till filing of final report by the Station House Officer, Pamarru Police Station, Krishna District in Crime No.160 of 2018. The Station House Officer, Pamarru Police Station is directed to complete investigation in Crime No.160 of 2018 and file final report as expeditiously as possible, in any event not later than two months.

With the above direction, the criminal petition is disposed of.

Pending miscellaneous petitions in the petition, if any, shall stand closed.

20.09.2018
kvrm



M.SATYANARAYANA MURTHY,J