

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

WRIT PETITION No.36686 of 2018

ORDER:

The petitioners claimed as suspected to be arrayed as accused in the investigation by police in Crime No.399 of 2016 of Machavaram Police Station of Vijayawada Commissionerate. The said crime was registered for the offences punishable under Sections 341, 352 and 506 IPC and Sections 3 (1)(r)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

2. A.1 and A.2, who are respondent Nos.5 and 6 in the present writ petition, earlier moved quash petition under Section 482 Cr.P.C. in CrI.P.No.11782 of 2016 and another Bench of this Court disposed of the same finally, by order, dated 11.08.2016, in saying the investigation shall go on and not to arrest till investigation is completed and charge sheet is filed, however, they can be called for any purpose of investigation. The petitioners not filed any basis in the writ petition to say that they were arrayed pending investigation as co-accused. The only averment is police frequently calling them without disclosing anything that will not entitle them to maintain the writ petition. Needless to say, none of the offences are punishable above seven years, in the event of any array by police in the course of investigation of the petitioners from any accusation revealed, they shall strictly follow Section 41-A Cr.P.C.

3. Accordingly, the writ petition is disposed of, before admission.

Miscellaneous petitions pending, if any, shall stand closed. No costs.

31st October 2018

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Dr. B. SIVA SANKARA RAO, J

