

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

Criminal Petition No.11581 of 2018

ORDER:

The petitioners are A1 to A5 in Crime No.165 of 2018 of Pithapuram Rural Police Station, East Godavari District, dated 21.10.2018 for the alleged occurrence on that day at about 5.30 P.M. or so for the report at 8.30 P.M.

2. The sum and substance of the accusation no way shows any intentional insult in public view to attract Section 3(1)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 (for short, "the Act"), but for the so-called causing of injury and beating and separated by the elders came there is nothing to show the abuse was in the presence of any other elders other than the alleged victims.

3. Thus, the crime registered so far as the offence under Section 3(1)(s) of the Act is concerned no way sustainable and to that extent quashed for not to interfere. However, with regard to the crime for the offences under Sections 323, 324 r/w 34 IPC for which Section 3(2)(va) of the Act applies, but for to say the police to complete the investigation and pending investigation not to arrest the petitioners, but for to secure their presence as and when required. In the event of their failure to attend, the police strictly follow Section 41-A Cr.P.C.

and also the guidelines as held by the Apex Court in **Arnesh Kumar v. State of Bihar**¹. Other defences are left open.

Accordingly, this Criminal Petition is partly allowed.

Miscellaneous petitions pending, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

27.11.2018
MVA



¹ (2014) 8 SCC 273