

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.2503 OF 2019

Date:12.04.2019

Between:

Kankanala Radhamma, W/o. Venkateshwarlu,
Aged about 48 years, Occ: Agriculture,
R/o.H.No.1-104, Pallipadu Village,
Konijerla Mandal, Khammam District .. Petitioner

And

The State of Telangana, rep., by its
Principal Secretary, Home Department,
Secretariat Buildings, Hyderabad and others .. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P.NAVEEN RAO**WRIT PETITION No.2503 OF 2019****ORDER:**

Heard learned counsel for the petitioner and learned Government Pleader for Home appearing for respondents 1 to 5.

2. Petitioner claims to have filed a complaint on 24.12.2018 alleging illegal encroachment of land belonging to her and abusing her on caste lines, whereby attracting the offences as per the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, 'the SC & ST (POA) Act'). Based on the complaint, Crime No.293 of 2018 was registered on 24.12.2018 under Sections 294 (b), 447, 506 r/w Section 34 I.P.C., and Section 3 of SC & ST (POA) Act, 1989.

3. In this Writ Petition, petitioner alleges inaction on the part of the respondent - police in completing the investigation, filing the charge sheet and arresting the accused involved in the crime.

4. According to learned Government Pleader for Home, immediately after registration of crime, correspondence was made with the revenue authorities by writing letter informing the social status of the petitioner and further correspondence calling for information on the entries in the revenue records to verify the claim of ownership of the respective parties. He further submits that as information sought is yet to be received, no further steps are taken.

5. In view of the provisions contained in SC & ST (POA) Act, 1989 as amended from time to time, the Court is not expressing

any opinion on the issue, whether there is delay on the part of the police in conducting investigation. In terms of the provisions of the SC & ST (POA) Act, 1989, the investigating officer has to inform the Special Sessions Court and to the satisfaction of the competent Court as to the reasons for the delay in completing the investigation. Thereafter, it is for the Special Sessions Court to consider the explanation offered on the delay in investigation. It is also open to the petitioner to work out her remedies as available to her under the provisions of Cr.P.C., and the SC & ST (POA) Act, 1989.

6. Thus, leaving it open to the petitioner to work out her remedies as available in Cr.P.C. and the SC & ST (POA) Act, 1989 and the police satisfying the Special Sessions Court the reasons for not conducting investigation, the Writ Petition is dismissed. There shall be no order as to costs. Miscellaneous petitions, if any, shall stand closed.

Date:12.04.2019

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P. NAVEEN RAO, J