

THE HONOURABLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.8060 of 2018

ORDER :

The petitioner is A4 among four accused in S.C.No.112 of 2017 pending on the file of the learned Special Judge for SC & ST (POA) Court-cum-VII Additional District & Sessions Judge, at L.B.Nagar, taken cognizance for the offences punishable under Sections 3(i)(x) and 3(1)(r)(s) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, which is out come of the report of the 2nd respondent/*de facto* complainant dated 01.04.2016 for the alleged occurrence happened on that day after intervening previous night.

Heard learned counsel for the petitioner. Heard learned counsel for the Public Prosecutor. Notice sent to the 2nd respondent returned of no such person in the Village even no door number furnished either in FIR or in the statements of her or in the charge sheet and notice taken to the address is thereby sufficient service. Hence, taken as heard. Perused FIR, charge sheet and the Part II case diary material.

Though several contentions raised by learned counsel for the petitioner of it is a false case motivated to implicate the petitioner/A4 nothing to do even, but for simply a neighbour, it is premature to judge the fact, which is a matter of defence, if at all to make out for there is prima facie accusation right from FIR including investigation material covered by the police final report that was taken rightly by the learned Special Judge, there is nothing to interfere muchless to quash the proceedings, but for left open all defences. At this stage, it is the submission that the

petitioner is more than 75 years by now a retired employee and with several health ailments and unable to move freely and attend the Court. One such is the case, remedy is left open to invoke, if at all Rule 37 of the Criminal Rules of Practice before the trial Court and the trial Court to consider on its own merits with necessary conditions.

With these observations, the criminal petition is disposed of rather than dismissal.

Miscellaneous petitions pending, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

28.01.2019
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