

**HONOURABLE SRI JUSTICE P.NAVEEN RAO**

**WRIT PETITION NO.45037 OF 2018**

**Date: 15.03.2019**

Between:

Bolli Appa Rao, s/o. Veeraswamy, Aged 28 years,  
Occu:Agriculture, r/o.Seetharampuram village,  
Karepalli Mandal, Khammam District, T.S.

.....Petitioner

and

The State of Telangana, rep.by its Prl.Secretary,  
Home Department, Secretariat, Hyderabad, T.S.  
and others.

.....Respondents



The Court made the following:

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**ORDER:**

Petitioner alleges that on 10.9.2018 when he along with his friend were proceedings towards petrol pump one Katta Nageswara Rao obstructed them, bet the petitioner and scolded in the name of caste. That petitioner after getting treatment lodged a complaint and the based on the same on 12.9.2018, FIR No.110 of 2018 was registered under Sections 294-B, 323, 506 IPC, Section 3 (1)(r)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, 'Act, 1989'). Petitioner further alleges that pending investigation in the said crime, said Katta Nageswara Rao was threatening and pressurizing him to withdraw the case and the same was complained. On the said complaint, Crime No.168 of 2018 was registered under Section 294-b, 323, 506 read with Section 34 of IPC on 30.09.2018. Petitioner alleges that except registering crimes, no investigation is taken up nor accused was arrested.

2. The present writ petition is filed alleging inaction on the part of police in concluding the investigation.

3. In the counter-affidavit, deposed by the Assistant Commissioner of Police, Kallur, Khammam district, it is seen that he has examined ten witnesses and recorded their statements and that Caste Certificates of both sides are yet to be obtained by the Tahsildar, Enkur Mandal. It is alleged that the complainant is not cooperating with the Investigating Agency and not submitting some more documents pertaining to the case and created obstacles in

the Investigating Agency by leveling false and baseless allegations. It is further stated that making false and baseless allegations, he filed petitions in the Special Sessions Court for trial of Cases SCs/STs (PoA) Act-cum-Additional District of Sessions Court, Khammam and before the Commissioner of Police, Khammam. It is further stated that investigation is pending for want of examination of some more witnesses and for collection of evidence. He assures that within a period of three months, investigation would be completed and file report before the concerned Court. The statement of respondent-Investigating Officer is not denied.

4. However, learned counsel for petitioner, by placing reliance on the decision of this Court in **Boda Rakesh Naik vs. The State of Telangana, rep. by its Public Prosecutor and two others**<sup>1</sup> and the decision of Supreme Court in **Kedar Narayan Parida and others vs. State of Orissa and another**<sup>2</sup> would submit that there cannot be delay in investigation and filing of charge sheet.

5. In **Boda Rakesh Naik**, issue for consideration was whether the decision of Special Court in dismissing the protest petition in S.R.No. 586/2016 in S.S.C.No.54/2012 under Section 14 of the Amendment Act of 2015 read with Section 190(i)(a) of the Cr.P.C. praying to reframe charges against the accused was valid. Learned single Judge of this Court on considering the decision of Full Bench of Rajasthan High Court in **Bhura Lal vs. State**<sup>3</sup>, and the decision of the constitutional Bench of Supreme Court in **Dharam Pal vs. State of Haryana**<sup>4</sup>, set aside the order of trial Court and

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<sup>1</sup> 2016 SCC Online Hyd 411

<sup>2</sup> (2009) 9 SCC 538

<sup>3</sup> 1999 Cr.L.J. 3552

<sup>4</sup> (2014) 3 SCC 306

directed the trial Court to consider the petition of appellant/*de facto* complainant afresh and by affording opportunity to both sides, pass orders in accordance with law.

6. In **Kedar Narayan Parida** (supra), Supreme Court observed that High Court is the guardian of life and liberty of the citizen and if there is any flavour of deliberate misuse of the authority vested in the investigating officer, the High Court may step in to correct such injustice and failure of justice.

7. In the instant case, crimes alleged are in violation of the provisions of the SCs/STs (PoA) Act as amended. Crimes are registered and investigation is in progress. The only issue for consideration is whether there is delay in completing the investigation and said delay is in violation of the provisions of the Act.

8. According to the investigating officer, as the relevant information could not be secured to complete the investigation, investigation is not completed and requested three months time. However, the Court is not expressing any opinion on this aspect having regard to the provisions contained in the Act. As per Section 14 of the Act, 1989, Special Court is also vested with power to take cognizance of the offences reported under the Act. Section 4 of the Act, prescribes timeline for completing the investigation whenever a crime is reported alleging violation of the provisions of the Act. The investigation has to be completed and charge sheet has to be filed in the Special Court within a period of 60 days from the date of registration of the crime. If there is delay in the investigation and filing of charge sheet, the Investigating

Officer has to satisfy the Special Court the reasons for delay in investigation. According to sub-section (1) of Section 4, if there is willful neglect of duties required to be performed by the investigating officer under the Act and the Rules made there under, he is punishable with imprisonment for a term which shall not be less than six months. According to sub-section (3) of Section 4, the Special Court can take cognizance in respect of any dereliction of duty and can give directions to initiate penal proceedings against public servant. Thus, Special Court is competent to look into the aspect of delay in completing the investigation and filing of charge sheet and whether such delay would amount to deliberate and willful negligent of duties. That being so, Court is not inclined to entertain the Writ Petition as all these issues can be considered by the Special Court. Thus, leaving it open to petitioner to work out his remedy, as observed above, Writ Petition is disposed of. Pending miscellaneous petitions shall stand closed.

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**JUSTICE P.NAVEEN RAO**

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