

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY, THE FOURTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY

PRESENT

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO: 18848 OF 2020

Between:

Smt.Bethi Gundamma, W/o.Bethi Ramulu Aged about 40 years, OCC-Housewife and Agril, R/o. Apparaopeta Village, Dammapeta Mandal, Bhadradi Kothagudem District- 507306.

...PETITIONER

AND

1. THE STATE OF TELANGANA, Reptd by its Principle Secretary, Home Department Secretariat Buildings , Tank Bund Road, Hyderabad
2. THE SUPERINTENDENT OF POLICE, Bhadradi Kothagudem Proper and District.
3. THE DISTRICT SUPERINTENDENT POLICE, Palavancha Proper and Bhadradi Kothagudem District
4. THE CIRCLE INSPECTOR, Aswaropeta, Bhadradi Kothagudem District.
5. THE SUB INSPECTOR OF POLICE, Dammapeta Mandal, Bhadradi Kothagudem District- 507306
6. BETHINI SRINU, S/o. Late Boomalah, Aged about 30 years, OCC- Agril, R/o. Apparaopeta Village, Dammapeta Mandal, Bhadradi Kothagudem District- 507306.
7. BOGI LAXMINARAYANA, S/o. Nageshu, Aged about 50 years, OCC- Agril, R/o. Apparaopeta Village, Dammapeta Mandal, Bhadradi Kothagudem District- 507306.
8. YERRAMSETHI SATYANARYANA, S/o. Narayana Swamy, Aged about 45 years, OCC- Agril, R/o. Apparaopeta Village, Dammapeta Mandal, Bhadradi Kothagudem District- 507306

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate Writ Order or Directions more particularly one in the nature of Writ of Mandamus to declare the in action of the 2nd to 5th respondents herein on the petitioner complaint dated 08/09/2020 and for not registering the F I R for trespassing and trying to plough my filed by tractor and abused me by R.6 to R.8 under Sec.3 of The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and also read with under I P C.

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the 6th to 8th respondents not to interfere in petitioner patta land to an extent of 3 Acres 36 Gts., of land in Sy.No. 319/17 situated at Mustiband Village, Dammapeta Mandal, Bhadadri Kothagudem District pending disposal of the main writ petition.

Counsel for the Petitioner: SRI. J SURESH BABU

Counsel for the Respondent Nos. 1 to 5: AGP FOR HOME

Counsel for the Respondent Nos.6 to 8:

The Court made the following: ORDER

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THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.18848 of 2020

ORDER:

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

2. This writ petition is filed alleging that even though a cognizable crime was reported on 08.09.2020 and a specific crime was committed in violation of the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, 'the Act'), so far crime is not registered and there is no progress in the investigation.

3. Having noticed that the atrocities against Scheduled Castes (SCs) and Scheduled Tribes (STs) are increasing day by day and the provisions in Civil Rights Act, 1955 and the Indian Penal Code, 1860 are found to be inadequate and to protect the SCs and STs from atrocities committed against them in various forms, the Act 33 of 1989 was made to check and deter crimes against SCs and STs. On review of functioning of the Act by Act 1 of 2016, Act 33 of 1989 was further amended.

4. Section 4 of the Act, 1989, after its amendment by Act 1 of 2016, prescribes procedure required to be followed by a public servant on receiving information about committing offence under the Act 33 of 1989 and the timeline for completing the investigation whenever a crime is reported alleging violation of the provisions of the Act. It mandates to complete the investigation and filing of charge sheet 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 (3) of Section 4, the Special Court can take cognizance on dereliction of duty and can give directions to initiate penal proceedings against public servant. According to sub-section (1) of Section 4, if there is wilful 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. Section 14 of the Act vests power in the Special Court to take cognizance of the offences reported under the Act.

5. In the case on hand, petitioner alleges that not registering crime and not completing the investigation in the crime reported against a Scheduled Caste or Scheduled Tribe person is illegal and violates the provisions of Act 33 of 1989.

6. As noticed above, the Special Court is vested with wide powers under the Act 33 of 1989 read with provisions of Code of Criminal Procedure, 1973 to deal with grievances. It has power to take cognizance of the crime reported under the Act 33 of 1989, examine the aspect of delay in completing the investigation and filing of charge sheet and whether such delay would amount to deliberate and wilful neglect of duties by the public servant. Further, if it is not satisfied with the conduct of public servant, it can order prosecution and punish him. When the matter is brought before the Special Court, the Special Court shall have all material facts in issue at its command to assess and shall be competent to go into all aspects and to take appropriate decision.

7. It cannot be said that the remedy provided under the Act is not an efficacious remedy. Thus, petitioner ought to have availed the remedy provided under the Act on the grievance ventilated in the writ petition. When petitioner has statutorily engrafted redressal mechanism to redress her grievance, this Court is not inclined to entertain the writ petition.

8. Thus, the writ petition is dismissed leaving it open to petitioner to work out her remedies as available in law against non-registration of crime reported on 08.09.2020 and a specific crime committed in violation of the provisions of the Act, 1989, and not completing investigation. Pending miscellaneous petitions, if any, shall stand closed.

//TRUE COPY//

SD/- K.SAILESHI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. One CC to Sri. J. Suresh Babu, Advocate [OPUC]
2. Two CCs to GP for Home, High Court for the State of Telangana. [OUT]
3. Two CD Copies

PM

HIGH COURT

DATED:04/11/2020

ORDER

WP.No.18848 of 2020



Dismissing the WP
Without costs.

S
[Signature]
09/11/2020