

THE HON'BLE SRI JUSTICE T.VINOD KUMAR

WRIT PETITION No.29069 of 2019

ORDER:

This writ petition is filed questioning the inaction of respondents 2 to 4 in conducting enquiry in FIR No.279 of 2018, dated 14.11.2018, registered for the offence under Section 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, against respondents 5 to 8, on the file of the 2nd respondent – Police Station, despite lapse of more than a year from the date since the said crime is registered.

2. Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Home.

3. Learned Assistant Government Pleader for Home, on written instructions, dated 22.01.2020, a copy of which is placed on record of this Court, submits that based on the complaint lodged by the petitioner before the 2nd respondent, the 4th respondent, being the competent authority, took up investigation and visited the scene of offence. During the course of investigation, as many as 15 witnesses have been examined and recorded their detailed statements. Further, the 4th respondent addressed a requisition to the Tahsildar, Thirumalayapalem Mandal, on 15.11.2018, to furnish caste certificates of the complainant and accused persons and in turn, the Tahsildar issued caste certificates stating that the complainant belongs to SC-Madiga, accused Nos.1 and 2 belong to OC-Reddy, and accused Nos.5 and 8 belong to BC-D Munnurukapu Community. Further, the investigation also indicated that accused Nos.7 and 8 did not abuse the complainant by touching his caste name.

However, a requisition was made to the Commissioner of Police, Khammam, to furnish call data particulars of the accused persons on the date of offence. Learned AGP also submitted that the investigation is pending for recording statements of the witnesses under Section 164 Cr.P.C. and legal opinion of the Deputy Director of Prosecution SC/ST, Khammam. Basing on the above, learned AGP further submits that the investigation into the above crime will be finalized and appropriate report would be filed before the competent authority within 60 days.

4. Having regard to the said submission made, this Court is of the view that, except directing the 4th respondent to complete the investigation and file appropriate report before the competent Court within a period of 60 days hereof, no further orders are necessary to be passed.

5. Subject to the above observation, the writ petition is disposed of. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE T.VINOD KUMAR

Date:27.01.2020

GJ