

HON'BLE SRI JUSTICE K.SURENDER
CRIMINAL PETITION No.8049 of 2017

ORDER:

1. The petitioners are questioning the correctness of the final report/charge sheet filed against these petitioners for the offences under Section 3(1)(x) of the SCs & STs (POA) Act and Sections 406 and 506 of IPC.

2. Briefly, the case of the *defacto* complainant is that these petitioners and others were claiming right over the land in Sy.Nos.214 and 215 of Kothapet village, Uppal Mandal and troubling the owners of the neighbouring land. There are several altercations which resulted in FIRs being registered against the family members of the *defacto* complainant. Keeping in view the ongoing differences, on 02.12.2015, the petitioners started abusing the *defacto* complainant and her family members in the language attracting offences under Section 3(1)(x) of the SCs & STs (POA) Act stating as follows:

“Madiga Naa Kodukullara Maa Bhoomi lo Pattalu Kaavalani Adige Valluku Support Chestara Mee Anthu Choostam, Police Department Antha Maa Chetullo undi”. (Why are you Madigas(SC

Caste) supporting people who want patta in our land. We will see your end. Police department is in our hands.)

3. Learned counsel appearing for the petitioners would submit that the defacto complainant has filed a false complaint for the reason of there being several disputes. There are orders of the civil Court in favour of the petitioners and for the said reason, false complaints are filed.

4. *Prima facie*, it is mentioned in the statement of the *defacto* complainant and others that they were abused in the name of caste having knowledge about the *defacto* complainant and other family members. In the said circumstances, whether the case was filed to influence the petitioners due to disputes or a totally false case is made up only to implicate the petitioners, can only be decided at the time of trial.

5. In the proceedings under Section 482 of Cr.P.C, rival contentions and defence regarding the correctness or otherwise of the allegations, either in the prosecution case or the defence case, cannot be assessed.

6. For the aforementioned reasons, this Criminal Petition fails and accordingly, dismissed. However, the attendance of these petitioners is dispensed in the trial Court unless specifically directed by the trial Court for the purpose of proceedings. The petitioners shall appear as and when directed and shall not take unnecessary adjournments or refrain from attending court proceedings under the garb of this order. In the event of the petitioners causing delay, the order of dispensing their attendance stands cancelled and the learned Special Judge is at liberty to take action to proceed with the trial in accordance with trial by taking coercive steps.

7. As a sequel thereto, miscellaneous applications, if any pending, shall stand closed.

Date: 04.11.2022
kvs

K.SURENDER, J

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