

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THURSDAY, THE SIXTEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 1625 OF 2023

Between:

1. Ponnampati Harikrishna, S/o. Laxminarayana, aged 40 years, Occ. Business, r/o Eknor village and Mandal, Khammam District.
2. Chinthala Narasimha Rao, S/o. Lingaiah, aged about 40 years, Occ. agriculture, r/o Jannaram village Eknor Mandal, Khammam District.
3. Angoth Pulsingh, S/o. Kasya, aged 40 years, Occ. Agriculture, r/o Jannaram ST colony, Eknor Mandal, Khammam District.
4. Dharavath Radhakrishna, S/o. Moonya, aged 45 years Occ. Agriculture, r/o Jannaram village Eknor Mandal, Khammam District.
5. Angoth Ramsingh, S/o. Kasya, aged 35 years Occ. Agriculture, r/o Jannaram village Eknor Mandal, Khammam District

...Petitioner/Accused Nos. 1 to 5.

AND

1. The State of Telangana, through S.H.O., Enkur Police Station, Khammam District, Represented by its Public Prosecutor, High Court, Hyderabad.
2. Padma Dharavath, W/o. Laxma, aged 50 years, occ. Sarpanch, r/o Jannaram village, Eknor Mandal, Khammam District.

...Respondents/Complainant

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to call for the records relating to the charge sheet in Spl. S.C. No. 133 of 2022 on the file of the Special Sessions Judge for Trial of Cases under SCs/STs (POA) Act-cum-VII Additional District and Sessions Judge at Khammam, and quash the proceedings thereon, and to grant Such other relief or reliefs as this Hon'ble Court deems fit and Proper in the Circumstances of the case.

I.A. NO: 1 OF 2023

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to grant stay of all further proceedings including the appearance of the petitioners in Spl. S.C. No. 133 of 2022 on the file of the Special Sessions Judge for Trial of Cases under SCs/STs (POA) Act-cum-VII Additional District and Sessions Judge at Khammam, pending disposal of the Criminal Petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri PRABHAKAR BOMMAGANI, Advocate for the Petitioner and the Additional Public Prosecutor on behalf of the Respondent No.1 and None Appeared for the Respondent No.2

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.1625 OF 2023****ORDER:**

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') by the petitioners-Accused Nos.1 to 5 to quash the proceedings against them in Spl.S.C.No.133 of 2022 pending on the file of Special Sessions Judge for Trial of Cases under SC/ST (POA) Act cum VII Additional Sessions Judge at Khammam. The offences alleged against them are under Sections 143, 294(B), 323 read with 149 of Indian Penal Code and Section 3(1)(r)(s) of SC/ST (POA) Act.

2. Heard learned counsel for the petitioners - Accused and learned Additional Public Prosecutor for the respondent - State. Perused the record.

3. Learned counsel for the petitioners confined his prayer to dispense with the personal appearance of petitioners - Accused Nos.1 to 5.

4. Considering the submission of learned counsel for the petitioners, the attendance of the petitioners - Accused Nos.2 to 5

is dispensed with in Spl.S.C.No.133 of 2022 pending on the file of Special Sessions Judge for Trial of Cases under SC/ST (POA) Act cum VII Additional Sessions Judge at Khammam, when represented by their counsel on record. The attendance of the petitioners is dispensed with subject to filing affidavits by the petitioners stating that in their absence the proceedings conducted by their counsel will not be disputed by them in any manner and shall not dispute their identity also. However, the petitioners shall appear before the learned Magistrate as and when their presence is required. In the event of failure of the petitioners to appear when the Court directs, this order dispensing their attendance shall stand cancelled. No such relief is given as far as petitioner No.1 – accused No.1 is concerned.

5. Accordingly, the Criminal Petition is disposed of. Needless to say, in the event of the petitioners filing an application seeking discharge, if the charges are not yet framed, the concerned Court shall dispose it off on merits within a period of four (04) weeks, from the date of filing after hearing arguments on both sides.

Miscellaneous applications pending, if any, shall stand closed.

Sd/- A.V.S. PRASAD
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Special Sessions Judge for Trial of Cases under SCs/STs (POA) Act-cum-VII Addl. District and Sessions Judge at Khammam.
2. The Station House Officer, Enkoor Police Station, Khammam District.
3. Two CCs to Additional Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
4. One CC to SRI. PRABHAKAR BOMMAGANI, Advocate [OPUC]
5. Two CD Copies

PSR

HIGH COURT

KS,J

DATED:16/02/2023

ORDER

CRLP.No.1625 of 2023



DISPOSING OF THE CRIMINAL PETITION.

Handwritten signature and date 20/2/2023