SS,J
Crl.R.C.No. 477 of 2008
Dated 20.11.2026

APHC010486112008

**IN THE HIGH COURT OF ANDHRA PRADESH**
**AT AMARAVATI** **[3560]**
**(Special Original Jurisdiction)**

FRIDAY, THE 20th DAY OF NOVEMBER 2026

**PRESENT**

**THE HONOURABLE SRI JUSTICE SUBHENDU SAMANTA**

**CRIMINAL REVISION CASE NO: 477 OF 2008**

**Between:**

1. GADIGANDLA SAMPOORNA ,, W/O. SUDHAKAR, COOLIE, R/O.VARAGANI, MEDIKONDAU (MANDAL), GUNTURDISTRICT.

**...PETITIONER**

**AND**

1. DANDA SRILNIVASA REDDY, S/O. ANJI REDDY, SARPANCH, GRAM PANCHAYAT, VARAGANI VILLAGE, MEDIKONDUR (MANDAL, GUNTURDIST (A.1).
2. SHAIK MAHAMMED USMAN, SUB -INSPECTOR OF POLICE, MEDIKONDURU POLICE STATION, GUNTUR DISTRICT. (A.2)
3. THE STATE OF ANDHRA PRADESH, REP BY PUBLIC PROSECUTOR, HIGH COURT OF ANDHRA PRADESH, HYDELRABAD.

**...RESPONDENT(S):**

**Counsel for the Petitioner:**

1. ISMAIL SHAIK
2. LEGAL AID

**Counsel for the Respondent(S):**

1. BHASKAR PREM KOUSHIK
2. -
3. PUBLIC PROSECUTOR

**The Court made the following:**

SS,J
Crl.R.C.No. 477 of 2008
Dated 20.11.2026

**THE HONOURABLE SRI JUSTICE SUBHENDU SAMANTA**

**CRIMINAL REVISION CASE NO: 477 OF 2008**

**ORDER:**

**1.** Instant Criminal Revision Case, under section 397 and 401 of the Criminal Procedure Code, 1973, has been preferred by the petitioner/ complainant aggrieved by the Order passed by learned Special Mobile Magistrate, Guntur, in C.F.R.No.3760 of 2007, in Crime No.77 of 2007 of Sub-Divisional Police Officer, Sattenapalli, dated 14.02.2008, by dismissing the protest petition of the petitioner in Crl.M.P.No.4008 of 2008.

**2. Brief facts of the case:** The petitioner lodged private complaint against 1st respondent for an offence punishable under section 3(1)(x) of SC and ST (Prevention of Atrocities) Act, 1989, and section 509 of the Indian Penal Code and the same was numbered as C.F.R.No.3760 of 2007. Learned Magistrate referred the matter to the Sub-Divisional Police Officer (SDPO), Sattenapalli, to investigate the matter and file report. The S.D.P.O., has registered the same as a case in Crime No.77 of 2007 of Medikonduru Police Station against Respondents for an offence under section 509 of the Indian Penal Code and Section 3(1)(x) of SC and ST (Prevention of Atrocities) Act, 1989. However, after investigation, the S.D.P.O., concerned has reported that the complaint of petitioner as “false”. A notice was served to the petitioner/complainant.

Accordingly, the complainant filed a protest petition. Protest petition is supported by sworn statement of complainant along with two witnesses. Learned Magistrate, after receiving sworn statements, has passed the impugned order by dismissing the complaint on the ground that the protest petition as well as the sworn statements of the witnesses, there is no mention about humiliation of the complainant in public view. In the operative portion of the order, it has also been mentioned that abusive languages calling petitioner by her caste name has also not been proved. The operative portion of the order of learned Magistrate is as follows:

> "k. In the present case as noticed earlier in the complaint and statements of the witnesses, **there is no mention that to humiliate complainant in public view R.1 and R.2 abused her by calling her caste name**. The claim of complainant is that when she approached R.2, the Sub-Inspector of Police to enquire about her report against some others, R.1 was present at that time and R.1 and R.2 abused her by calling caste name. But there is no mention that to humiliate her, they abused her by calling caste name.
>
> I am of the view that the allegations in the complaint and statement of the complainant and its witnesses may not be sufficient to attract the provisions of Section 3(1)(x) of SC and ST (Prevention of Atrocities) Act, 1989, and cognizance may not be taken.
>
> In the result, petition is dismissed".

**3.** Sri Ismail Shaik, Learned Legal-aid Counsel, appearing on behalf of the petitioner submits that the impugned order passed by learned Magistrate is palpably illegal and improper. He further submits that in the sworn statement

other two witnesses clearly deposed that R.1 and R.2 (A.1 and A.2) called petitioner in her caste name in the police station. Police Station is a public place, thus, the order of the learned Magistrate that the complaint was not called by her caste name in public view, is erroneous. He further submits that there are prima facie materials to initiate the private complaint case against accused persons.

a. In support of his contention, he has cited the decision of the Hon'ble Apex court reported in **Ramakrishna Chauhan –Vs. State of U.P & Anr., in CRL. APPEAL No._ of 2026, arising out of SLP (CRL) No.5113 of 2023, decided on 20.08.2026** wherein at paragraphs No.10 and 11 of the Judgment the Hon'ble Apex Court held as follows:

> "10. Before examining the material on record, it would be apposite to reproduce Sections 3(1)(r) and 3(1)(s) of the SC/ST Act:
>
> > "3. Punishments for offences atrocities.— (1) Whoever, not being a member of a Scheduled Caste or a Scheduled Tribe,—
> >
> > (r) intentionally insults or intimidates with intent to humiliate a member of a Scheduled Caste or a Scheduled Tribe in any place within public view;
> >
> > (s) abuses any member of a Scheduled Caste or a Scheduled Tribe by caste name in any place within public view;
> >
> > shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to five years and with fine."
>
> 11. The expression "any place within public view" has been considered by this Court in several decisions most recently in ***Karuppudayar v. State represented by the Deputy Superintendent of Police, Lalgudi, Trichy & Others*****, 2025 INSC 132.** Relying on ***Hitesh Verma v. State of Uttarakhand,*** **(2020) 10 SCC 710**, this Court reaffirmed that:
>
> > "11. It could thus be seen that, to be a place 'within public view', the place should be open where the members of the public can witness or hear the utterance made by the accused to the victim. If the alleged offence takes place within the four corners of the wall where members

> of the public are not present, then it cannot be said that it has taken place at a place within public view."

b. Learned counsel for Petitioner further argued that the learned Magistrate has committed error in exercising his jurisdiction. The power of learned Magistrate in exercising of his jurisdiction has properly dealt with by the Hon'ble Apex Court in **Vikas Chandra –Vs. State of Uttar Pradesh & Anr,** in **Cri. Appeal No.____ of 2024 (Arising out of SLP (Crl.) No. 1196 of 2018), decided on 22.02.2024** wherein at paragraphs No.8 and 9 of the Judgment the Hon'ble Apex Court held as follows:

> "8. There cannot be any doubt with respect to the power of the Magistrate to issue summons even after filing of a negative report by the police. In other words, the Magistrate is not duty bound to accept the Final Report filed under Section 173 (2), Cr.PC. The power not to accept the Final Report and to issue summons to the accused is recognized by this Court in the decision in **Union of India v. Prakash P. Hinduja & Anr., (2003) 6 SCC 195**. In this context, it is to be noted that this Court in the decision in **Bhagwant Singh v. Commissioner of Police & Anr. (1985) 2 SCC 537** held that when a Final Report under Section 173 (2), Cr.P.C, is filed before the Magistrate, which happens to be a negative report, usually called a "closure report", he gets the following four choices to be adopted, taking into account the position obtained in the case concerned:
>
> > (1) to accept the report and drop the Court proceedings (2) to direct further investigation to be made by the police (3) to investigate himself or refer for the investigation to be made by another Magistrate under Section 159, Cr.PC, (4) to take cognizance of the offence under Section 200, Cr.PC, as a private complaint when the materials are sufficient in his opinion and if the complainant is prepared for that course.
>
> 9. Now, there can be no two views that "existence of power" and "exercise of power" are different and distinct. Having found that a Magistrate is jurisdictionally competent to take cognizance and issue summons despite the receipt of closure report following the prescribed procedure, we will have to consider the sustainability of the exercise of such power, in view of the legal and factual position obtained, in this case. In the decision in **M/s Pepsi Foods Ltd. & Anr. v. Special Judicial Magistrate & Ors., (1998) 5 SCC 749** this Court laid down the golden standard for summoning an accused after holding that summoning an accused is a serious

matter involving interference with life and liberty of a person. Paragraph 28 therein is noteworthy and it reads thus: -

> "28. Summoning of an accused in a criminal case is a serious matter. Criminal law cannot be set into motion as a matter of course. It is not that the complainant has to bring only two witnesses to support his allegations in the complaint to have the criminal law set into motion. The order of the magistrate summoning the accused must reflect that he has applied his mind to the facts of the case and the law applicable thereto. He has to examine the nature of allegations made in the complaint and the evidence both oral and documentary in support thereof and would that be sufficient for the complainant to succeed in bringing charge home to the accused. It is not that the Magistrate is a silent spectator at the time of recording of preliminary evidence before summoning of the accused. Magistrate has to carefully scrutinize the evidence brought on record and may even himself put questions to the complainant and his witnesses to elicit answers to find out the truthfulness of the allegations or otherwise and then examine if any offence is prima facie committed by all or any of the accused."

c. Learned Counsel for Petitioner further argued that the learned Magistrate has committed error by dismissing the complaint, thereby, the instant Criminal Revision Case is liable to be allowed and the learned Magistrate is to be directed to initiate the complaint on the basis of protest petition and issue process against all the accused persons.

**4.** Mr. Bhaskar Prem Koushik, learned Counsel appearing on behalf of respondents submit that the learned Magistrate has committed no error in passing the impugned order, there are different types of statements by complainant in her complaint and sworn statements, as well as sworn statements of P.W.2 and P.W.3. He further submits that P.W.2 and P.W.3 are the interested witnesses, they are related to the complainant, thereby, supported the case of complainant. He further submits that it would not be seen or proved anywhere

that the utterings calling caste name of petitioner/complainant was made in presence of public in general. He submits that the police station may be a public place, but presence of other private persons was not mentioned or proved either by complainant or her two witnesses. He further submits that the incident happened in the year 2007, already nearly 20 years has been elapsed, at this juncture, further reopening of complainant's case would be futile exercise.

**5.** Heard learned counsel for parties.

**6.** It appears that the Magistrate has taken appropriate steps by allowing the petitioner to file a protest petition, while her private complaint was referred by the concerned S.D.P.O., to be false. In support of her protest petition, she was examined, as well as other two witnesses also placed their sworn statement before the Magistrate. The Magistrate after recording sworn statements has only dismissed the complaint on the ground that the alleged humiliation to the complainant in the police station is not come under the public view.

**7.** I have perused the impugned order passed by learned Magistrate. It is a trite of law that under the provision of SC and ST (POA) Act, 1989, the complainant is duty bound to state that what humiliation or words were used

imputing his/her caste name. As per provisions of Section 3 of SC and ST (POA) Act,1989, punishments of offences of atrocities has been enumerated, as follows:

> "3. Punishments for offences atrocities.(1) Whoever, not being a member of a Scheduled Caste or a Scheduled Tribe,-
>
> (a) puts any inedible or obnoxious substance into the mouth of a member of a Scheduled Caste or a Scheduled Tribe or forces such member to drink or eat such inedible or obnoxious substance;
>
> (b) dumps excreta, sewage, carcasses or any other obnoxious substance in premises, or at the entrance of the premises, occupied by a member of a Scheduled Caste or a Scheduled Tribe;
>
> (c) with intent to cause injury, insult or annoyance to any member of a Scheduled Caste or a Scheduled Tribe, dumps excreta, waste matter, carcasses or any other obnoxious substance in his neighbourhood;
>
> (d) garlands with footwear or parades naked or semi-naked a member of a Scheduled Caste or a Scheduled Tribe;
>
> (e) forcibly commits on a member of a Scheduled Caste or a Scheduled Tribe any act, such as removing clothes from the person, forcible tonsuring of head, removing moustaches, painting face or body or any other similar act, which is derogatory to human dignity;
>
> (f) wrongfully occupies or cultivates any land, owned by, or in the possession of or allotted to, or notified by any competent authority to be allotted to, a member of a Scheduled Caste or a Scheduled Tribe, or gets such land transferred;
>
> (g) wrongfully dispossesses a member of a Scheduled Caste or a Scheduled Tribe from his land or premises or interferes with the enjoyment of his rights, including forest rights, over any land or premises or water or irrigation facilities or destroys the crops or takes away the produce therefrom.
>
> Explanation.-For the purposes of clause (1) and this clause, the expression "wrongfully" includes-
>
> (A) against the person's will;
>
> (B) without the person's consent;
>
> (C) with the person's consent, where such consent has been obtained by putting the person, or any other person in whom the person is interested in fear of death or of hurt; or
>
> D) fabricating records of such land;

(h) makes a member of a Scheduled Caste or a Scheduled Tribe to do "begar" or other forms of forced or bonded labour other than any compulsory service for public purposes imposed by the Government;

(i) compels a member of a Scheduled Caste or a Scheduled Tribe to dispose or carry human or animal carcasses, or to dig graves;

(j) makes a member of a Scheduled Caste or a Scheduled Tribe to do manual scavenging or employs or permits the employment of such member for such purpose;

(k) performs, or promotes dedicating a Scheduled Caste or a Scheduled Tribe woman to a deity, idol, object of worship, temple, or other religious institution as a devadasi or any other similar practice or permits aforementioned acts;

(l) forces or intimidates or prevents a member of a Scheduled Caste or a Scheduled Tribe-

(A) not to vote or to vote for a particular candidate or to vote in a manner other than that provided by law;

(B) not to file a nomination as a candidate or to withdraw such nomination; or

(C) not to propose or second the nomination of a member of a Scheduled Caste or Scheduled Tribe as a candidate in any election;

(m) forces or intimidates or obstructs a member of a Scheduled Caste or a Scheduled Tribe, who is a member or a Chairperson or a holder of any other office of a Panchayat under Part IX of the Constitution or a Municipality under Part IXA of the Constitution, from performing their normal duties and functions;

(n) after the poll, causes hurt or grievous hurt or assault or imposes or threatens to impose social or economic boycott upon a member of a Scheduled Caste or a Scheduled Tribe or prevents from availing benefits of any public service which is due to him;

(o) commits any offence under this Act against a member of a Scheduled Caste or a Scheduled Tribe for having voted or not having voted for a particular candidate or for having voted in a manner provided by law;

(p) institutes false, malicious or vexatious suit or criminal or other legal proceedings against a member of a Scheduled Caste or a Scheduled Tribe;

(q) gives any false or frivolous information to any public servant and thereby causes such public servant to use his lawful power to the injury or annoyance of a member of a Scheduled Caste or a Scheduled Tribe;

(r) intentionally insults or intimidates with intent to humiliate a member of a Scheduled Caste or a Scheduled Tribe in any place within public view;

(s) abuses any member of a Scheduled Caste or a Scheduled Tribe by caste name in any place within public view;

(t) destroys, damages or defiles any object generally known to be held sacred or in high esteem by members of the Scheduled Castes or the Scheduled Tribes.

Explanation.-For the purposes of this clause, the expression "object" means and includes statue, photograph and portrait;

(u) by words either written or spoken or by signs or by visible representation or otherwise promotes or attempts to promote feelings of enmity, hatred or ill-will against members of the Scheduled Castes or the Scheduled Tribes;

(v) by words either written or spoken or by any other means disrespects any late person held in high esteem by members of the Scheduled Castes or the Scheduled Tribes;

(w) (i) intentionally touches a woman belonging to a Scheduled Caste or a Scheduled Tribe, knowing that she belongs to a Scheduled Caste or a Scheduled Tribe, when such act of touching is of a sexual nature and is without the recipient's consent;

(ii) uses words, acts or gestures of a sexual nature towards a woman belonging to a Scheduled Caste or a Scheduled Tribe, knowing that she belongs to a Scheduled Caste or a Scheduled Tribe.

Explanation.-For the purposes of sub-clause (i), the expression "consent" means an unequivocal voluntary agreement when the person by words, gestures, or any form of non-verbal communication, communicates willingness to participate in the specific act:

Provided that a woman belonging to a Scheduled Caste or a Scheduled Tribe who does not offer physical resistance to any act of a sexual nature is not by reason only of that fact, is to be regarded as consenting to the sexual activity:

Provided further that a woman's sexual history, including with the offender shall not imply consent or mitigate the offence;

(x) corrupts or fouls the water of any spring, reservoir or any other source ordinarily used by members of the Scheduled Castes or the Scheduled Tribes so as to render it less fit for the purpose for which it is ordinarily used;

(y) denies a member of a Scheduled Caste or a Scheduled Tribe any customary right of passage to a place of public resort or obstructs such member so as to prevent him from using or having access to a place of public resort to which other members of public or any other section thereof have a right to use or access to;

(z) forces or causes a member of a Scheduled Caste or a Scheduled Tribe to leave his house, village or other place of residence:

Provided that nothing contained in this clause shall apply to any action taken in discharge of a public duty;

(za) obstructs or prevents a member of a Scheduled Caste or a Scheduled Tribe in any manner with regard to-

(A) using common property resources of an area, or burial or cremation ground equally with others or using any river, stream, spring, well, tank, cistern, water-tap or other watering place, or any bathing ghat, any public conveyance, any road, or passage;

(B) mounting or riding bicycles or motor cycles or wearing footwear or new clothes in public places or taking out wedding procession, or mounting a horse or any other vehicle during wedding processions;

(C) entering any place of worship which is open to the public or other persons professing the same religion or taking part in, or taking out, any religious, social or cultural processions including jatras;

(D) entering any educational institution, hospital, dispensary, primary health centre, shop or place of public entertainment or any other public place; or using any utensils or articles meant for public use in any place open to the public; or

(E) practicing any profession or the carrying on of any occupation, trade or business or employment in any job which other members of the public, or any section thereof, have a right to use or have access to:

(zb) causes physical harm or mental agony of a member of a Scheduled Caste or a Scheduled Tribe on the allegation of practicing witchcraft or being a witch; or

(zc) imposes or threatens a social or economic boycott of any person or a family or a group belonging to a Scheduled Caste or a Scheduled Tribe, shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to five years and with fine.]

(2) Whoever, not being a member of a Scheduled Caste or a Scheduled Tribe,-

(i) gives or fabricates false evidence intending thereby to cause, or knowing it to be likely that he will thereby cause, any member of a Scheduled Caste or a Scheduled Tribe to be convicted of an offence which is capital by the law for the time being in force shall be punished with imprisonment for life and with fine; and if an innocent member of a Scheduled Caste or a Scheduled Tribe be convicted and executed in consequence of such false or fabricated evidence, the person who gives or fabricates such false evidence, shall be punished with death;

(ii) gives or fabricates false evidence intending thereby to cause, or knowing it to be likely that he will thereby cause, any member of a Scheduled Caste or a Scheduled Tribe to be convicted of an offence which is not capital but punishable with imprisonment for a term of seven years or upwards, shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to seven years or upwards and with fine;

(iii) commits mischief by fire or any explosive substance intending to cause or knowing it to be likely that he will thereby cause damage to any property belonging to a member of a Scheduled Caste or a Scheduled Tribe, shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to seven years and with fine;

(iv) commits mischief by fire or any explosive substance intending to cause or knowing it to be likely that he will thereby cause destruction of any building which is ordinarily used as a place of worship or as a place for human dwelling or as a place for custody of the property by a member of a Scheduled Caste or a Scheduled Tribe, shall be punishable with imprisonment for life and with fine;

(v) commits any offence under the Indian Penal Code (45 of 1860) punishable with imprisonment for a term of ten years or more against a person or property '[knowing that such person is a member of a Scheduled Caste or a Scheduled Tribe or such property belongs to such member], shall punishable with imprisonment for life and with fine; be 3

[(va) commits any offence specified in the Schedule, against a person or property, knowing that such person is a member of a Scheduled Caste or a Scheduled Tribe or such property belongs to such member, shall be punishable with such punishment as specified under the Indian Penal Code (45 of 1860) for such offences and shall also be liable to fine;]

(vi) knowingly or having reason to believe that an offence has been committed under this Chapter, causes any evidence of the commission of that offence to disappear with the intention of screening the offender from legal punishment, or with that intention gives any information respecting the offence which he knows or believes to be false, shall be punishable with the punishment provided for that offence; or

(vii) being a public servant, commits any offence under this section, shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to the punishment provided for that offence".

**8.** To substantiate the offence under this section, it has to be proved that the offender has intentionally insulted or humiliated a person of SC or ST community, within public view. The definition of public view has already been set

out by the Hon'ble Apex Court supra. The term "public view" is different to that of a public place. The "public view" is broader term, that means, a private place also be used as "public view", if alleged offence has committed in presence of public in general. In this case, police station admittedly a place where different persons may come and go and it is quite obvious that in police station the police officers as well as other public in general, have access for their own purposes. Thus, the learned Magistrate has committed error by observing that the alleged humiliation and intimidation of complainant by calling her caste name, by accused persons was not done in public view.

**9.** Under the above observation, the impugned order passed by learned Magistrate appears to be illegal and improper and the same is set aside.

**10.** Learned Magistrate is directed to initiate private complaint case according to law, by issuing process against accused persons. As the matter is pending since the year 2007, the Magistrate is also directed to issue notice upon complainant and proceed according to law.

**11.** Accordingly, the Criminal Revision Case is allowed and disposed of.

**12.** Consequently, pending miscellaneous applications, if any, shall stand closed.

**JUSTICE SUBHENDU SAMANTA**

Date: 20.11.2026
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**THE HONOURABLE SRI JUSTICE SUBHENDU SAMANTA**

**CRIMINAL REVISION CASE NO: 477 OF 2008**

**DATE: 20.11.2026**

**KS**