

HON'BLE SRI JUSTICE K. SREENIVASA REDDY

Criminal Petition No.1088 of 2023

Order:

This Criminal Petition, under Section 482 Cr.P.C. has been filed on behalf of the petitioners/A1 and A2 to quash the proceedings in SC No.14 of 2019 on the file of the learned VII Additional District Judge-cum-Special Court for trial of cases under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act.

2. A charge sheet has been filed against the petitioners herein and others for the offences punishable under Sections 354, 326, 323, 506 read with 34 IPC and Sections 3(1)(r)(s) and 3(2)(V)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act.

3. Case of the prosecution, in brief, is that the *de facto* complainant along with 40 other labourers attended the agricultural cooli work in the lands of the petitioners herein, who raised the chilli crop. For that, there are dues payable to the labourers by the petitioners. When the labourers demanded payment of the due amounts, the petitioners/A1 and A2 abused the *de facto* complainant and others by touching their caste name. The other accused beat the *de facto* complainant and others and threatened them with dire

consequences. In respect of that, a case in Crime No.32 of 2017 of Maddipadu Police Station was registered and the police, after conducting investigation, filed charge sheet.

4. Learned counsel for the petitioners, after arguing for some time, confined his argument to the extent that presence of the petitioners before the trial Court may be dispensed with. He submitted that on one occasion i.e., on 23.01.2023, when the petitioner No.1 could not attend before the Court due to ill-health and filed an application under Section 317 Cr.P.C., the learned Sessions Judge refused the same and had gone to the extent of issuing NBW against petitioner No.1/A1.

5. On the other hand, learned Assistant Public Prosecutor has also concurred with the factual position that on one occasion when the petitioner No.1/A1 was not present, the learned Sessions Judge issued NBW against him.

6. Going by the material on record, the petitioner No.1 was absent on a particular day and in connection with the same he filed an application under Section 317 Cr.P.C. The learned Sessions Judge adjourned the matter to 27.02.2023 and had gone to the extent of issuing NBW against the petitioner No.1 herein. In the cases arising out of this nature, difficulties would certainly arise with regard to presence of the accused on each and every adjournment. When an application under Section 317 Cr.P.C has been filed, it is obligatory on

the part of the Judicial Officers to look into the same and verify as to whether the cause that has been mentioned in the petition is authentic or not.

7. In view of the aforesaid facts and circumstances of the case, this Court feels that the ends of justice would be met if the NBW issued against the petitioner No.1 is recalled on an application filed by him.

8. Accordingly, petitioner No.1 is directed to file appropriate application for recalling of the NBW issued against him and, on filing such application, the learned Sessions Judge shall dispose of the same in accordance with law. However, the presence of the petitioners herein before the trial Court is dispensed with, except on the dates when the learned Sessions Judge feels that their presence is necessary.

9. With the above directions, the Criminal Petition is disposed of.

10. As a sequel thereto, the miscellaneous petitions, if any pending, in the Criminal Petition, shall stand closed.

K. SREENIVASA REDDY, J.

Date:10.02.2023

Nsr

HON'BLE SRI JUSTICE K. SREENIVASA REDDY

Criminal Petition No.1088 of 2023

Date: 10.02.2023

Nsr