

HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

04

MAIN CASE No. Criminal Petition No.3174 of 2023

PROCEEDING SHEET

Sl. No.	DATE	ORDER	OFFICE NOTE
01.	02.05.2023	<u>BSB, J</u> <u>CRL.P. No.3174 OF 2023</u> Issue notice to the second respondent through registered post with acknowledgment due. Learned counsel for the petitioners is permitted to take out personal service of notice to the second respondent by registered post with acknowledgment due and file proof thereof. Post on 14.06.2023. <u>I.A. No.1 OF 2023</u> This interlocutory application is filed seeking interim stay of all further proceedings in SC/ST SC No.2 of 2023 on the file of the Court of VI Additional Sessions Judge-cum-Special Court for the trial of cases under SC & ST (POA) Act, at Kurnool, including cognizance order dated 05.01.2023. 2. Heard the learned counsel for the petitioners and the learned Assistant Public Prosecutor for the first respondent-State. 3. Learned counsel for the petitioners has contended that the present case is an	Contd..

	02.05.2023 (contn..)	outcome of the departmental proceedings against the de facto complainant/second respondent in view of his nexus with the persons involved in transportation of narcotic drugs. In this regard, he also placed reliance on the report submitted to the Superintendent of Police indicating with the dates and period and the number of calls made between the de facto complainant and one Pilaka Ravi and Katika Ramana. As per the report, as many as 46 calls indicated therein between the second respondent and Pilaka Ravi and 466 calls between the second respondent and Katika Ramana. 4.He further submitted that the witnesses shown in the complaint are all involved in several cases, the details of which are given in the grounds of the present petition that, <u>Against L.W.2-Jayamma,</u> (1) FIR No.193 of 2016 dated 26.08.2016 for the offence under Section 120B, 406, 420 read with 34 IPC, and Section 9(1) of APGA; as A.5 (2) FIR No.197 of 2016 dated 30.08.2016 for the offence under section 120B, 406, 420 read with 34 IPC, and 9(1) of APGA; as A4 (3) FIR No.217 of 2020 dated 25.06.2020 for the offence under section 9(1) of APGA; against the witness; (4) FIR No.279 of 2021 dated 29.07.2021	Contd..
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	02.05.2023 (contn..)	<i>for the offence under section 7(A) read with 8(E) of APPA; against her husband</i> <i>(5) FIR No.353 of 2021 dated 10.10.2021 for the offence under section 420 read with 34 IPC and section 9(1) of APGA; against her husband;</i> <i>(6) FIR No.82 of 2022 dated 24.03.2022 for the offence under section 7(A) read with 8(E) APPA; as A.5 120B, 406, 420 read with 34 IPC, and section 9(1) of APGA; as A.5</i> <u><i>Against L.W.3-Prasad;</i></u> <i>(1)FIR No.203 of 2022 dated 30.07.2022 for the offence under section 9(1) of APGA; as A.2;</i> <i>(2)FIR No.231 of 2022 dated 01.09.2022 for the offence under section 420 read with 34 of IPC and Section 9(1) of APGA; as A.3;</i> <i>(3) FIR No.287 of 2022 dated 23.10.2022 for the offence under section 420 read with Section 34 of IPC and Section 9(1) of APGA; as A.2;</i> <u><i>Against L.W.4-Shankar;</i></u> <i>(1)FIR No.84 of 2021 dated 06.04.2021 for the offence under section 7(A) read with Section 8(E) of APPA; as A.2;</i> <i>(2)FIR No. 29 of 2020 dated 29.03.2020 for the offence under section 7A read with 8(E) of APPA; as A.1.</i> 5. He further submitted that when the witnesses were examined they also reported that they had not given any statement in support of the complainant. Thus, he vehemently contended that the de	Contd..
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	02.05.2023 (contn..)	facto complainant gave a false complaint and the continuation of such proceedings is an abuse of process of law. 6.Learned Assistant Public Prosecutor submitted that truth or veracity of the allegations cannot be examined in the proceedings under section 482 of Cr.P.C. and if at all any wrong committed by the de facto complainant, it is a separate cognizance. He further submitted that as per Section 54 of the Indian Evidence Act, the 'conduct' is not relevant. 7. Perused the record. 8.In view of the material placed in support of their contention, there is a <i>prima facie</i> case in support of the petitioners showing that that the proceedings are likely to be an abuse of process of law against them. As such, there shall be interim stay of all further proceedings against the petitioners in SC/ST SC No.2 of 2023 on the file of the court of VI Additional Sessions Judge-cum-Special Court for the trial of cases under SC & ST (POA) Act at Kurnool, for a period of two months. 9. Issue notice to the second respondent. B.S.BHANUMATHI, J BV	
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