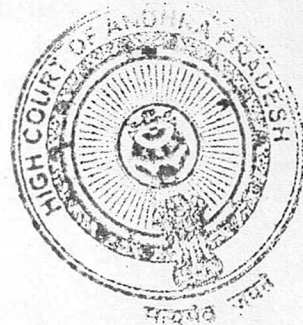


IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

MONDAY, THE NINETEENTH DAY OF JULY
TWO THOUSAND AND TWENTY ONE

: PRESENT:

THE HONOURABLE SMT JUSTICE LALITHA KANNEGANTI



IA No. 1 OF 2021

IN

CRLP NO: 3981 OF 2021

Between:

1. Smt Thimmaraju Sreekala Sarma, W/o Thimmaraju Hemadri Sarma, Aged about 41 years, Currently residing at Door no. 1/2512, A.P.H.B. Colony, Dongalacheruvu, Yeramukka palli post, Kadapa city, YSR district.
2. Mr.N.V. Hari Bhaskar, S/o. R. Velayudhan Pillai Aged about 40 years, Residing at H.No 10/63 Neduvilai, Puthenveedu, Kallenlam, Villukuri Kanyakumari, Tamilnadu - 629180
3. Smt. Omana Velayudhan Pillai, W/o. R. Velayudhan Pillai Aged about 65 years, Residing at H.No 10/63 Neduvilai, Puthenveedu, Kallenlam, Villukuri Kanyakumari, Tamilnadu - 629180.
4. Mr. Velayudhan Pillai, S/o. Raman Pillai, Aged about 75 years, Residing at H.No 10/63, Neduvilai, Puthenveedu, Kallenlam, Villukuri, Kanyakumari, Tamilnadu - 629180

...Petitioners/Accused
(Petitioner in CRLP 3981 OF 2021
on the file of High Court)

AND

1. State of Andhra Pradesh, Represented by the Public Prosecutor, High Court of Andhra Pradesh, Amaravathi, Through Sub-Divisional Police Officer Kadapa Sub Division - 516001
2. Smt. Konkiri Alekhya, W/o Y. Karthik Kumar, Aged about 31 years, Residing at Door No. 1/2582, A.P.H.B. Colony, Donglacheruvu, Yeramukkapalli, Kadapa city, YSR District, Andhra Pradesh.

...Respondents
(Respondents in-do-)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to GRANT STAY of all further proceedings in Spl. S.C. No. 8/2021 on the file of the court of Special Sessions Court for trial of cases under SCS & STS (POA) Act - Cum- IV Additional District Judge, Kadapa, pending disposal of CRLP No.3981 of 2021, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of SRI M PRASADA RAO Advocate for the Petitioners and of PUBLIC PROSECUTOR for the Respondent No.1, the Court made the following

ORDER:

"Heard.

Learned counsel for the petitioners submits that the petitioners are alleged to have committed the offense under Section 3 (1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 (for short "SC ST Act") and Sections 506 and 509 of IPC. He submits that it is stated in the complaint that the petitioners abused defacto complainant in the name of caste, whereas neither in the complaint nor in the charge sheet, except making vague allegations. He submits that in view of law laid down by the Hon'ble Apex Court, there should be specific overt acts with regard to abuse and also within the public eye. In the present case, all these aspects are missing.

It is nowhere mentioned in the charge sheet that what are the words used by the petitioners while abusing the complainant in the name of caste and whether the same is within it is in the public eye or not.

Prima facie it appears that the allegations in respect of the offences alleged are not attracted. Hence, there shall be stay of all further proceedings in Spl.S.C.No.8 of 2021 on the file of Special Sessions Court for trial of cases under SCs STs (POA) Act-cum-IV Additional District Judge, Kadapa”.

SD/-M.RAMESH BABU
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To,

1. The Special Sessions Court for trial of cases under SCS & STS (POA) Act - Cum- IV Additional District Judge, Kadapa
2. Smt. Konkiri Alekhya, W/o Y. Karthik Kumar, Aged about 31 years, Residing at Door No. 1/2582, A.P.H.B. Colony, Donglacheruvu, Yeramukkapalli, Kadapa city, YSR District, Andhra Pradesh. (By RPAD)
3. One CC to SRI M PRASADA RAO Advocate [OPUC]
4. Two CCs to PUBLIC PROSECUTOR, High Court of AP [OUT]
5. One spare copy

HIGH COURT

LKJ

DATED:19/07/2021

ORDER

IA.NO.1 OF 2021
IN
CRLP.No.3981 of 2021

STAY

