

APHC010558872023



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

[3327]

MONDAY, THE FOURTH DAY OF MAY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE K SREENIVASA REDDY

CRIMINAL PETITION NO: 8708/2023

Between:

1. PEDDIREDDY GANGADHARA RAO, S/O
VENKATARATNAM, AGED 74 YEARS, R/O PULLA,
BHIMADOLE MANDAL, WEST GODAVARI DISTRICT.
2. PEDDIREDDY BUJJI,, S/O GANGADHARA RAO, AGED
50 YEARS, R/O RAILWAY QUARTERS,
SECUNDERABAD.
3. PUPPALA SATYANARAYANA,, S/O GANTAIAH, AGED 68
YEARS, R/O N.M. PURAM, BHIMADOLE MANDAL,
WEST GODAVARI DISTRICT.
4. GANTA SRINU,, S/O GANGADHARA RAO, AGED 54
YEARS, R/O N.M. PURAM, BHIMADOLE MANDAL, WEST
GODAVARI DISTRICT.
5. PEDDIREDDY RAMBABU,, S/O RAMA KRISHNA AGED
55 YEARS, R/O N.M. PURAM, BHIMADOLE MANDAL,
WEST GODAVARI DISTRICT.

...PETITIONER/ACCUSED(S)

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PUBLIC PROSECUTOR, HIGH COURT OF ANDHRA PRADESH, AT AMARAVATI.
2. BUNGA CHIRANJEEVI, S/O NALLAIAH, AGED 57 YEARS, OCC. CULTIVATION, R/ONAGESWARAPURAM, H/O PULLA, BHIMADOLE MANDAL, WEST GODAVARI DISTRICT.

...RESPONDENT/COMPLAINANT(S):

Petition under Section 437/438/439/482 of Cr.P.C and 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to quash SC.ST.Sessions Case No.75 of 2018 on the file of Honourable Special Sessions Judge for Trial of cases under SCs and STs(POA) Act-cum-VIII Additional District Judge, West Godavari, Eluru and pass such

IA NO: 1 OF 2023

Petition under Section 482 of Cr.P.C and 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased may be pleased to dispense SC.ST.Sessions Case No.75 of 2018 on the file of Honourable Special Sessions Judge for Trial of cases under SCs and STs(POA) Act-cum-VIII Additional District Judge, West Godavari, Eluru and pass such

IA NO: 2 OF 2023

Petition under Section 482 of Cr.P.C and 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased may be pleased to Stay all further proceedings in SC.ST.Sessions Case No.75 of 2018 on the file of Honble Special Sessions Judge for Trial of cases under SCs and STs(POA) Act-cum VIII Additional District Judge, West Godavari, Eluru, including appearance of the petitioners, and pass such

IA NO: 3 OF 2023

Petition under Section 482 of Cr.P.C and 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to allow the petitioners to raise additional grounds in Criminal Petition No. 8708 of 2023 and pass

IA NO: 1 OF 2025

Petition under Section 482 of Cr.P.C and 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to extend the interim orders dated 07.03.2024 passed in I.A.No. 2 of 2023 CRLP No. 8708 of 2023 until further orders and to pass

Counsel for the Petitioner/accused(S):

1. RAMESH KATIKINENI

Counsel for the Respondent/complainant(S):

1. I RAJESH

2. PUBLIC PROSECUTOR (AP)

The Court made the following ORDER:

This Criminal Petition is filed under Section 482 of Code of Criminal Procedure, 1973 seeking to quash SC.ST.Sessions Case No.75 of 2018 on the file of the learned Special Sessions Judge for Trial of Cases under the SCs and the STs (PoA) Act 1989-cum-VIII Additional District Judge, West Godavari, Eluru District, registered for the offences punishable under Sections 506(2) read with 34 of IPC and 3(1)(x) of the Schedule

Castes and the Schedule Tribes (Prevention of Atrocities) Act, 1989.

2. Originally, a private complaint was lodged by 2nd respondent/*de-facto* complainant and the same was referred to the police under Section 156(3) Cr.P.C. for investigation, by the learned II Additional Judicial Magistrate of First Class, Eluru. Pursuant thereto, the police registered a case in crime No.118 of 2007 of Bhimadole police station, for the offences punishable under Sections 506 (2), 352 read with 34 IPC and 3 (1) (x) of the SCs and the STs (PoA) Act, 1989, and after completion of investigation, filed a final report concluding that no *prima facie* case was made out against the petitioners and referred the matter as false in nature. Questioning the said final report, the *de-facto* complainant filed a protest petition reiterating the very same allegations against the petitioners. Basing on the said protest petition, the learned Magistrate, vide Order dated 4.7.2011, took cognizance for the offences punishable under Sections 3(1)(x) of SCs and the STs (PoA) Act and 506 (2), 352 read with 34 of IPC.

3. On 10.04.2026, as there was no representation on behalf of respondent No.2, the matter was directed to be listed on

20.04.2026 under the caption 'for orders'. On 22.04.2026, when the matter was listed under the caption 'for orders', there was no representation on behalf of respondent No.2. Therefore, as a last opportunity, the matter was listed to today, under the same caption. Even today, when the matter is taken up, there is no representation on behalf of respondent No.2.

4. Heard the learned counsel for the petitioners and learned Assistant Public Prosecutor for respondent No.1-State and the learned counsel for respondent No.2. Perused the record.

5. Learned counsel for the petitioners submits that the order taking cognizance is wholly cryptic and non-speaking. It is submitted that the learned Magistrate failed to assign any reasons whatsoever for disagreeing with the findings of the investigating officer in his final report and while taking cognizance on the protest petition, and hence, he prays to set aside the Order of taking cognizance.

He contends that the alleged incident pertains to the year 2007, and that although the police have filed final report, a protest petition was filed in the year 2011, and till today the trial has not commenced for the reasons best known.

6. The factual matrix is not in dispute. The private complaint lodged by 2nd respondent/*de-facto* complainant was referred to the police under Section 156(3) Cr.P.C. for investigation, by the learned II Additional Judicial Magistrate of First Class, Eluru. Pursuant thereto, the police registered a case in crime No.118 of 2007 of Bhimadole police station, for the offences punishable under Sections 506 (2), 352 read with 34 IPC and 3 (1) (x) of the SCs and the STs (PoA) Act, 1989. After completion of investigation in the said crime, police filed a final report stating that no *prima facie* case was made out against the petitioners and referred the matter as false in nature. Thereafter, the *de-facto* complainant filed a protest petition, and basing on the allegations in said protest petition, the learned Magistrate, vide Order dated 4.7.2011, took cognizance for the offences punishable under Sections 3(1)(x) of SCs and the STs (PoA) Act and 506 (2), 352 read with 34 of IPC.

7. This Court has carefully perused the material available on record. The learned Magistrate took cognizance on the protest petition *vide* docket order dated 04.07.2011 and the same reads as thus:

“Heard, perused the record. Record disclosed prima facie case against the accused. Hence, the case is taken on file for the offences U/s 3(1)(x) of Sc & ST (POA) Act and U/s 506(2) of IPC r/w 34 IPC.”

8. A perusal of docket order dated 04.07.2011 would indicate that there are absolutely no reasons assigned by the learned Magistrate as to on what grounds cognizance was taken for the said offences, except stating that a *prima facie* case was made out against the accused. Admittedly, order taking cognizance is a judicial order and it has to contain reasons therefor. This Court as well as the Hon'ble Apex Court, time and again, have consistently held that whenever a Magistrate takes cognizance of a compliant, it is essential to record reasons indicating the circumstances and grounds under which cognizance is being taken. Particularly, when the police conducted investigation and referred the case as false in nature and thereafter a protest petition has been filed against the final report, the learned Magistrate ought to be meticulous while taking cognizance of the compliant.

9. When the order passed by the Magistrate is bereft of reasons, the same cannot be sustained. In view of the same, the docket order dated 04.07.2011 passed by the learned Magistrate taking cognizance of the offence against the

petitioners/accusedis hereby set aside and the matter is remanded back to the learned Magistrate for fresh consideration after providing opportunity to both the parties.

10. With the above direction, the Criminal Petition is disposed of.

As a sequel thereto, miscellaneous applications pending consideration, if any, shall stand closed.

JUSTICE K SREENIVASA REDDY

Date: 04.05.2026
ANS/DRK

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THE HONOURABLE SRI JUSTICE K SREENIVASA REDDY

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