

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL No.204 OF 2013

RANGASAI BHATT ... APPELLANT

VERSUS

STATE OF A.P. & ORS. ... RESPONDENTS

O R D E R

The appellant was accused of having committed an offence under Section 3(1)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short "the Act").

After investigation, the police filed the report under Section 173(2) of the Code of Criminal Procedure, 1973 (for short "the Code") before I Addl. Chief Metropolitan Magistrate Nampally at Hyderabad. At that stage, the appellant filed a petition under Section 482 of the Code to quash the proceedings in PRC No.7 of 2010.

The High Court took the view that the controversial statement *prima facie* amounted to intentionally insulting Respondent No.5 herein - the *de facto* complainant.

Annexure P-1 is the pamphlet. On going through the entire pamphlet, we do not find that any caste as such is

mentioned in the pamphlet. We also do not find any insulting words against Respondent No.5 because she belonged to a particular caste covered by the Act. No doubt, there is a severe criticism on the decision taken by Respondent No.5 as a Minister, pertaining to promotions which according to the appellant are irregular. A criticism, however, severe may be and even if it is unjustifiable, need not necessarily amount to insult so as to come under the purview of Section 3(1)(x) of the Act. Only because Respondent No.5 belonged to Scheduled Caste, any criticism against her will not amount to an offence under the Act. In other words, merely because Respondent No.5 belonged to a particular caste is not immune from criticism in respect of her official acts.

What reveals from the pamphlet is only that there is a criticism against the action taken by Respondent No.5 as a Minister in granting promotion. There is absolutely no reference of any imputation on her caste. Thus, it is a case where the allegations in the complaint on the face of it do not constitute the offence. If that be so, continuance of such proceedings would be a sheer harassment. The process under the Code shall not be used as a weapon for harassment.

In the result, the appeal is allowed. The impugned order is set aside. The proceedings in PRC No.7 of 2010 before before I Addl. Chief Metropolitan Magistrate Nampally at Hyderabad are quashed.

.....J.
(KURIAN JOSEPH)

.....J.
(ADARSH KUMAR GOEL)

NEW DELHI
MARCH 19, 2015

ITEM NO.104

COURT NO.8

SECTION II

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Criminal Appeal No(s).204/2013

RANGASAI BHATT

Appellant(s)

VERSUS

STATE OF A.P.& ORS.

Respondent(s)

(With appln. (s) for stay and office report)

Date : 19/03/2015 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE KURIAN JOSEPH
HON'BLE MR. JUSTICE ADARSH KUMAR GOEL

For Appellant(s) Ms. Bina Madhavan, Adv.

For Respondent(s) Mr. P. Venkat Reddy, Adv.
Mr. Sumanth Nookala, Adv.
for M/s. Palwai Venkat Law Associates

UPON hearing the counsel the Court made the following
O R D E R

In terms of the signed order, the appeal is allowed.
The impugned order is set aside. The proceedings in PRC
No.7 of 2010 before before I Addl. Chief Metropolitan
Magistrate Nampally at Hyderabad are quashed.

(SANJAY KUMAR-I)
COURT MASTER

(JASWINDER KAUR)
COURT MASTER

(Signed order is placed on the file)