

HON'BLE SRI JUSTICE SAMUDRALA GOVINDARAJULU

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CRIMINAL PETITION NO.3461 OF 2010

Date: 19.04.2010

Between:

Pirla Satyanarayana

.....Petitioner

And:

State of AP., rep. by is PP and another

.....Respondents.

HON'BLE SRI JUSTICE SAMUDRALA GOVINDARAJULU

CRIMINAL PETITION NO.3461 OF 2010

ORDER:

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The petitioner is originally accused of offence punishable under Section 324 IPC in Crime No.28 of 2010 of Thondangi Police Station, based on report given by the 2nd respondent/*defacto*-complainant. Subsequently, the police are stated to have altered Section of Law from Section 324 IPC to Sections 323, 506 IPC and Section 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (in short, the Act). On perusal of the entire report given by the 2nd respondent, there are no specific allegations of any abuse or insult made in the name of caste. It is contended that for extraneous reasons Section 3(i)(x) of the Act was introduced. It is well settled principle of law that FIR is not be all and end all of the prosecution case. The investigating officer will have to alter Sections of Law depending upon the evidence he collects during investigation. It is stated that any thing subsequently stated after FIR, will be only a development which has no basis in FIR. Having regard to allegations and further investigation, I do not propose to quash FIR in this case, but give marginal relief to the extent of arresting the petitioner until filing of charge sheet.

In the result, the petition is dismissed; but however, the petitioner shall

not be arrested by the police in this crime until filing final report/charge sheet.

SAMUDRALA GOVINDARAJULU,J

Date:19.04.2010.
Gk.

HON'BLE SRI JUSTICE SAMUDRALA GOVINDARAJULU

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