

APC (3)

Urgent:  
By Regd. Post:

Police Department

From	To
Sri H. Suryanarayana, I.P.S., Superintendent of Police, Nellore.	The Assistant Director, National Commission for STs., 6th Floor, B-Wing, Loknaya Bhavan, Khan Market, NEW DELHI - 03.

C.No. 3440/C3/2006, dated: 11.6.06

S i r,

Sub:-Police--Nellore Dist.--Andhra Pradesh--  
Alleged atrocity on a member of S.T., by  
name Sri Dasari Nagabhusanam, Duttalur  
village--Enquiry report--Forwarding of  
--Regarding.

Ref:-AP/ST-9/2006-Atrocity, dated: 15.5.2006  
of the National Commission for STs.,  
New Delhi.

--CC--

Adverting to the reference cited, I am to state that the contents of the representation made by Sri Dasari Nagabhusanam of B.C., colony, Duttalur village, Nellore district were got enquired into and it relates to Cr.No. 18/2006 u/s 323 IPC, 3(1)(x) SCs/STs(POA) Act, 1989 of Duttalur Police Station. Following are the facts elicited during the investigation.

On 14.4.2006 at 1600 hours, the complainant Sri Dasari Nagabhusanam, S.T., Auto driver, B.C.Colony, Duttalur lodged a report in Duttalur Police Station stating that the accused Babasha and Johnny (Vartha reporter) while playing cricket with their friends, near his house, the cricket ball fell into his house twice and also hit on the back of his wife. When the petitioner asked them about it, an altercation took place between them. Later, the accused Johnny abused him offending his caste and both the accused beat him and ~~accused~~ <sup>caused</sup>

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bleeding injury at below the eye.

The said report was registered as a case in Cr. No. 16/2006 u/s 323 IPC, 3(1)(x) SCs/STs(POA) Act, 1989 of Juttalur Police Station and the case was investigated into by the Sub-Divisional Police Officer, Kavali.

During the course of investigation, as many as 8 witnesses were examined by the investigating officer and the investigation disclosed as follows.

The accused Johnny Basha(A1) and Shaik Mahaboub Basha(A2) and some others of the B. C. colony, Juttalur village used to play cricket at the playground situated near the house of the complainant. The wife of the complainant Dasari Suseelamma used to pickup quarrels with accused for playing cricket near their house. On 10.4.2006, while they are playing cricket, the cricket ball hit the wife of the complainant, while she was bringing water. She pickedup a quarrel with them, abused them using filthy language and also warned them not to play cricket near her house. On that, both the accused told her as "NAA ISTAM VACHINA CHOTA ADATHANU, NUVVEVARAVU LAMBALINI ADAVADDANI CHEPPEDANIKI, MENU UKKADE ADATHANU, NEE JIRKUNNA CHOTA CHEPPOKO". The same was witnessed by Pws. 3 to 6. On the sameday at about 1800 hours, while the complainant was at his shop, both the accused pickedup a quarrel with him for informing the incident to the brother of the accused and A1 kicked him with leg and A2 also beat him. Further, A2 threatened him that they would see his end, if he informs it to his brother. It was witnessed by Pws. 7 and 8. Investigation clearly disclosed that it is an offence under

sections 323, 506 IPC, as no witness has stated that the accused abused the complainant or his wife, offending their caste.

The investigating officer of the case, approached the A.P.O., Kavali and after perusal of the case file, he opined that this is a case to be charged under sections 323 and 506 IPC.

The investigating officer submitted the entire case file to me with a request to accord permission to delete the provisions of SCs/STs(POA) Act, 1989 from the case and to charge it u/s 323, 506 IPC. I perused the case file and sent it to Sri N. Vidyasagar, Joint Director of Prosecutions and Public Prosecutor (Retd.) presently working as Legal Advisor, District Police Office, Nellore to seek his opinion in the matter and it is awaited.

Soon-after receipt of the opinion from the Legal Advisor, the case will be finalised on the merits and the accused will be arrested.

In view of the above facts, it is requested that the reference may please be ordered to be lodged, since the action by the Police was already initiated in the matter.

Yours faithfully,  
sd/-N. Suryanarayana,  
Superintendent of Police,  
Nellore.

/t.c.f./

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for Supdt. of Police,  
Nellore.

k/-