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STATE OF ANDHRA PRADESH
v.
VISWANADULA CHETTI BABU ETC.
(Criminal Appeal No. 131 of 2004 etc.)

B

SEPTEMBER 30, 2010

**[HARJIT SINGH BEDI AND CHANDRAMAULI KR.
PRASAD, JJ.]**

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*SCHEDULED CASTES AND SCHEDULED TRIBES
(PREVENTION OF ATROCITIES) RULES, 1995:*

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r.7 – Investigating Officer –Held: In view of the clear mandate of the Rules, it was only a specified Deputy Superintendent of Police who could investigate an offence under the Act – Any officer below that rank and not specified as per Rule 7, would not be entitled to investigate any such offence – In the instant case, the investigation has been made by an officer of the rank of an Assistant Sub-Inspector of Police – This was not permissible – The judgment of the High Court in this respect, upheld –Investigation.

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CRIMINAL APPELLATE JURISDICTION : Criminal Appeal
No. 131 of 2004.

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From the Judgment & Order dated 24.7.2002 of the High Court of Judicature of Andhra Pradesh at Hyderabad in Criminal Appeal No. 1016 of 1996.

I. Venkata Narayana, D. Mahesh Babu and D. Bharati Reddy for the Appellant.

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Leela Sarveswar and V.N. Raghupathy for the Respondent.

The following Order of the Court was delivered

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O R D E R

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We have heard learned counsel for the parties.

Rule 7 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules, 1995, framed under the Andhra Pradesh Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 reads as under:

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"7. Investigating Officer (1) An offence committed under the Act shall be investigated by a police officer not below the rank of Deputy Superintendent of Police. The investigating officer shall be appointed by the State Government/Director General of Police/Superintendent of Police after taking into account past experience, sense of ability and justice to perceive the implications of the case and investigate it alongwith right lines within the shortest possible time.

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(2) The investigating officer so appointed under sub-rule(1) shall complete the investigation on top priority basis within thirty days and submit the report to the Superintendent of Police who in turn will immediately forward the report to the Director General of Police of the State Government.

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(3) The Home Secretary and the Social Welfare Secretary to the State Government, Director of Prosecution, the officer-in-charge of Prosecution and the Director General of Police shall review by the end of every quarter the position of all investigations done by the investigating officer."

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A bare perusal of the Rule would reveal that the State Government/the Director General of Police/ Superintendent of Police after taking into account the experience etc. of a Deputy Superintendent of Police shall appoint him as the Investigating Officer in cases under the above Act. Sub-rule (3) further provides that the Home Secretary and the Social Welfare

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- A Secretary to the Government and other officers in charge shall review the working of the Deputy Superintendent of Police and the investigations done by him at the end of every quarter. It is therefore apparent that authority to investigate has to be conferred on a specified officer not below the rank of Deputy Superintendent of Police.
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- C We are, therefore, of the opinion that in view of the clear mandate of the Rules, it was only a specified Deputy Superintendent of Police who could investigate an offence under the Act. An investigation done by any officer below that rank and not specified as per Rule 7 would not be entitled to investigate any such offence. In the present matter the investigation has been made by an officer of the rank of an Assistant Sub-Inspector of Police. This was not permissible. We endorse the judgment of the High Court in this respect.
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The appeals stand dismissed.

R.P.

Appeals dismissed.