

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.7532 of 2015

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ORDER :

This criminal petition is filed by the petitioner/A.3 under Section 482 Cr.P.C seeking to quash the proceedings in C.C.No.191 of 2015 on the file of the Judicial First Class Magistrate, Jammalamadugu, Kadapa District, where the learned Magistrate has taken cognizance of the offences punishable under Sections 147, 148, 324, 354 and 506 read with 149 IPC.

2. Heard the learned counsel for the petitioner as well as the 2nd respondent-State represented by the Public Prosecutor, before admission and before ordering any notice to the 1st respondent and perused the material on record.

3. The above calendar case is an out come of the report of the 1st respondent-*de facto* complainant in Crime No.42 of 2015 of Muddanur Police Station dated 02.04.2015 of the alleged occurrence in relation to a property and boundary dispute on the same day at about 6.45 p.m. or so there are only five accused including the petitioner. The police after investigation and after examining eleven witnesses including the victims LWs.2 and 3 and from the alleged seizures of incriminating material so-called owners by A.1 in the presence of LWs.12 and 13 filed final report. No doubt, the certificate

issued by LW.11 and his statement as A.E., APSPDCL shows the petitioner/A.3 was on duty as Assistant Line Man on that day till

7.30 p.m. The material in fact falls short for this Court to admit the application to quash the calendar case proceedings.

4. Hence, the criminal petition is disposed of giving liberty to the petitioner/A.3 to move an application before the learned Magistrate, if there are no grounds to frame charges with reference to certificate and also by virtue of this direction under Section 239 read 240 Cr.P.C., the learned Magistrate there from to consider and decide along with the prosecution material. Needless to say further, in the event of filing any application either under Section 205 Cr.P.C. or under Rule 37 of the Criminal Rules of Practice on behalf of the petitioners and the other accused, the learned Magistrate shall hear and consider with necessary conditions to permit one of the accused to represent the other accused through Special Vakalat holder.

5. Miscellaneous petitions pending, if any, shall stand dismissed.

Dr. B. SIVA SANKARA RAO, J

24th August 2015.

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