

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.17 OF 2013

ORDER:

This criminal petition under Section 482 of the Code of Criminal Procedure is filed by the petitioner/A.4 seeking to quash the proceedings in C.C.No.799 of 2008 on the file of the II Metropolitan Magistrate for Railways, Secunderabad, arising out of offences under Sections 338, 201 and 202 read with Section 34 IPC.

The brief facts of the case are as follows. On the intervening night of 21/22-07-2005, the deceased E.Jangaiah, Gangman, was on track checking duty and was proceeding towards Ippuguda from Raghunathapalli by walk. At about 12.00 midnight, a duometric machine bearing No.8062 came from the opposite direction being driven by A.1 in a rash and negligent manner at high speed and hit the deceased, by reason of which the deceased received injuries. Then he was sent to Kazipet Railway Hospital and from there, he was sent to MGM Hospital, Warangal, and there, he was referred to and sent to Lalaguda Railway Hospital, Secunderabad and from there he was sent to Apollo Hospital, Hyderabad for better treatment. However, from Apollo Hospital, again he was sent to the Railway Hospital, Lalaguda and on 31.10.2005, while undergoing treatment, he died. According to the prosecution, the accident took place due to rash and negligent driving of the machine only.

Heard and perused the material available on record.

Learned counsel for the petitioners submits that the proceedings against A.5 is quashed and that the petitioner herein, i.e., A.4 is also on the same footing and as such, prays this Court to quash the proceedings against the petitioner herein.

Considering the fact that proceedings against A.5 is quashed and A.4 is also on the same footing of A.5, the proceedings against the petitioner/A.4 in C.C.No.799 of 2008 on the file of the II

Metropolitan Magistrate for Railways, Secunderabad, is hereby quashed and the petitioner/A.4 is acquitted of the offences charged against him.

The criminal petition is accordingly allowed. Consequently, miscellaneous petitions, if any pending, shall stand closed.

JUSTICE RAJA ELANGO

25.08.2015
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