

HONOURABLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.9366 OF 2015

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ORDER :

The petitioner is the accused in Crime No.1196 of 2015 dated 29.07.2015 of Police Station Andhra Pradesh Vigilance and APTS Team RR North Mint Compound, Hyderabad, for the offence punishable under Section 135(a) of Indian Electricity Act, 2003. He filed this criminal petition seeking to quash the proceedings in the above crime.

In fact, it is the submission that it is bailable offence and the accused is languishing in jail even from the remand taken by the learned Magistrate and in turn forwarded to the Special Judge. When report called for from the learned I Additional District Judge, Ranga Reddy District, it is submitted that it is the offence under Section 135(a) of the Act and as per Section 151 B of the Act amended in the year 2007 it is a non bailable one. What the counsel submitted by referring to schedule II of the Code of Criminal Procedure, 1973 of a bailable offence since punishable for 3 years is not tenable thereby.

However, the factual matrix show that the petitioner also earlier involved in similar crime, but the maximum punishment provided is 3 years and it is also a compoundable offence.

Having regard to the above, there are no grounds to admit the application, but for while disposing in directing the learned Judge, where the accused is in judicial custody as per remand order, to consider bail application already pending for his entitlement from the nature of the offence with necessary conditions.

Accordingly, the criminal petition is disposed of.

Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

Dr. B. SIVA SANKARA RAO, J

30.09.2015

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