

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No. 101 of 2015

ORDER :

The petitioners, who are the accused in Crime No.243 of 2014 of Kota Police Station, Nellore District, filed the present application under Section 438 Cr.P.C. seeking release in the event of their arrest in connection with the above crime registered for the offences punishable under Sections 379, 427, 120-B & 337 IPC, Section 21(1)(4) of the M.M.D.R. Act and Section 3 of the P.D.P.P. Act.

The case of the prosecution is as under:

The informant, who is the M.P.T.C. member of Kothapatnam Panchayat, lodged a report stating that on 16.12.2014 at mid-night while returning home from prawn ponds, observed three lorries stationed at a distance of 300 meters from his village i.e., Gunnampadia. On verification, he found that the said lorries were loaded with silica sand. Then, he brought his villagers and when questioned the lorry drivers about illegal transportation of silica sand, they replied arrogantly. A.1 is alleged to have directed the lorry drivers to move the lorries even by dashing the persons who restrain them. When the informant restrained the moving lorries, the driver of a lorry bearing registration No.TN 18K 8469 is alleged to have dashed the informant. As a result of which, the informant fell down and sustained a fracture injury to his leg. Out of three lorries, lorry bearing registration No.TN 18 5020 was detained and handed over to the police. Basing on these allegations, the above report came to be lodged.

Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor.

The petitioners are claiming themselves to be the owner and the driver of the seized lorry respectively. A perusal of the averments in the report would disclose that when the informant restrained them from moving the lorry, the driver of a lorry bearing registration No.TN 18K 8469 is alleged to have dashed the informant leading to the informant sustaining a fracture injury to his leg. The report further discloses that the petitioners are residents of Tamilnadu State. Having regard to the said circumstances and the nature of allegations made, I am not inclined to consider the request of the petitioners.

Accordingly, the Criminal Petition is dismissed. However, the petitioners, if so advised, are directed to surrender before the concerned Court and move an application for bail before the appropriate Court after giving prior notice to the Public Prosecutor in which event the same shall be dealt with, in accordance with law, at the earliest.

JUSTICE C. PRAVEEN KUMAR

27th January, 2015
cbs

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