

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No. 3102 of 2015

ORDER :

The petitioner, who is accused No.1 in Crime No.46 of 2015 of Pargi Police Station, Rangareddy District, filed the present application under Section 438 Cr.P.C. seeking release in the event of his arrest in connection with the above crime registered for the offences punishable under Sections 379 IPC, Sections 27 & 35 of A.P. Water, Land and Trees Act, 2002, and Section 3 of P.D.P.P. Act.

The case of the prosecution is that on credible information about illegal transportation of sand, the V.A.O. of Raghavpur village in Pargi Mandal proceeded to a petrol bunk on Pargi-Hyderabad road and found a lorry bearing registration No.AP 11U 2133 loaded with sand. When enquired, the driver of the lorry informed that he has no permission to transport the sand and fled away. Basing on these allegations, the above case came to be registered.

Learned counsel for the petitioner mainly submits that the petitioner is not the owner of the lorry and his father by name Katravath Mathya Naik is the owner of the lorry.

Learned Additional Public Prosecutor, on instructions, submits that the petitioner himself is the owner of the lorry and the same stands established through the registration certificate issued by the RTI authorities.

Since the lorry belonged to the petitioner was used in the commission of the offence, it cannot be said that the same was done without the knowledge of the petitioner. Therefore, I am not inclined to consider the request of the petitioner.

Accordingly, the Criminal Petition is dismissed. However, the petitioner if so advised is 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, either on the same day or at the earliest.

JUSTICE C. PRAVEEN KUMAR

13th April, 2015

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