

THE HON'BLE SRI JUSTICE M.S.K. JAISWAL

Criminal Petition No. 7810 of 2015

Order:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioner/accused, seeking to quash the proceedings pending against him in C.C. No. 124 of 2014 on the file of the II Additional Judicial Magistrate of First Class, Bheemavaram, West Godavari District, for the offences punishable under Sections 304(A) and 338 IPC.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the State.

3. The contention of the learned counsel for the petitioner is that the petitioner/accused was driving the crime vehicle at relevant time and the deceased and two others were traveling on a motor cycle. The ground on which the proceedings against the petitioner/accused are sought to be quashed is that the deceased and two others have violated the traffic rules and the accident took place due to negligence on the part of the deceased. It is a matter to be decided only after full fledged trial. In the circumstances, it cannot be said that there are no grounds to proceed against the petitioner/accused. There is material, *prima facie*, sufficient to proceed against the petitioner/accused. The Criminal Petition is devoid of merit and the same is liable to be dismissed.

4. Accordingly, the Criminal Petition is dismissed.

5. As a sequel thereto, the miscellaneous applications, if any, pending in the Criminal Petition shall stand closed.

-

M.S.K. JAISWAL, J.

Date: 07.09.2015

Nsr