

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

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CRIMINAL PETITION No.1208 of 2011

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Between:

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Valluri Muthamaiah, and others

.. Petitioners

and

The State of Andhra Pradesh

Rep. by its public prosecutor

High Court of A.P

Hyderabad, and another

.. Respondents

DATE OF ORDER PRONOUNCED: 31.07.2015

SUBMITTED FOR APPROVAL:

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

1. Whether Reporters of Local newspapers Yes/No

may be allowed to see the Judgments?

2. Whether the copies of judgment may be Yes/No
marked to Law Reporters/Journals?

3. Whether their Ladyship/Lordship wish to Yes/No
see the fair copy of the Judgment?

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

CRIMINAL PETITION No.1208 of 2011

ORDER:

This is a Criminal Petition filed, under Section 482 Cr.P.C, seeking to quash the proceedings in C.C. No.390 of 2009 on the file of learned IV Metropolitan Magistrate, Ibrahimpatnam, Cyberabad, R.R. District.

2. The facts, in brief, are as follows: On 16.12.2007 at about 9.10 AM while the second respondent-complainant went to the field, the accused persons along with their cattle came there and enabled the cattle to graze the crops and kancha grass, and they also started cutting Neem tress, babul trees and other trees and burned grass, and when the second respondent obstructed the same, the accused threatened him that he would be attacked if he come in their way. The said incident was witnessed by S.Balamani, Neella Buchaiah and others. On the same day, the second respondent filed a complaint before Manchal Police Station. Since no action has been taken by the police, the second respondent filed a private complaint before the learned VI Metropolitan Magistrate, Ibrahimpatnam, Cyberabad, who in turn referred the matter to Manchal Police Station, Cyberabad on 27.02.2008, and the case was registered as Crime No.13 of 2008.

3. The material on record shows, *prima facie*, against the accused to the effect that on 16.12.2007 they went to the second respondent's field and grazed the crops and cutted trees as stated above, and threatened him that he would be attacked if he come in their way. Therefore, the case is to be tried. Since the petitioners 2 to 26 are said to be the poor agricultural labour and one of the witnesses to the incident is the neighbouring landholder of the second respondent-complainant, it would be just and proper that the presence of all the petitioners 2 to 26 herein need not be insisted, except petitioner No.1 herein/A1, for each and every adjournment.

4. In the result, the Criminal Petition is disposed of. The Court below shall proceed with trial, however, except A1, the Court below shall not insist for the presence of petitioners 2 to 26 herein for each and every adjournment, unless their presence is necessary for any specific purpose.

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

M.S.K. JAISWAL, J

Date: 31.07.2015

MVA

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

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