

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

Crl.P.No.3346 of 2015

ORDER :

This application is filed under Section 482 of Cr.P.C. to quash proceedings in Crime No.98 of 2014 on the file of Yelamanchili Town P.S., Visakhapatnam District.

2. The petitioner was employed as attender in the Court of the Additional Junior Civil Judge – cum – Judicial I Class Magistrate, Yelamanchili as a cook. He was later transferred on 24.04.2014 to the Court of Senior Civil Judge, Yelamanchili to function as an attender.

3. On 21.08.2014, a complaint was given by 3rd respondent against one P. Suresh and L. Paramesh, Record Assistant and Attender, respectively with regard to missing records of cases pending on the file of the said Court.

4. Investigation was commenced and witnesses were examined on 18.09.2014.

5. The Sub-Inspector of Police, Yelamanchili claimed to have received credible information that petitioner is involved in the matter and he was arrested near Ganga Tea Stall at Yelamanchili at about 07:30 hrs. It is alleged that petitioner confessed to Police that he stole certain files from the Court of the Additional Junior Civil Judge in order to implicate the said P. Suresh and L. Paramesh, in

collusion with one Sridevi.

6. The remand report filed by petitioner reveals these facts. It further reveals that on a search of the bag in the possession of petitioner, a file belonging to PRC.No.2/14 was also found in the custody of petitioner.

7. The counsel for petitioner would contend that petitioner had been falsely implicated in the case and he had been transferred from the court of Additional Judicial I Class Magistrate, Yelamanchili who is also Additional Junior Civil Judge on 24.04.2014 itself; the confession extracted from him is inadmissible in evidence; the files which are alleged to have been stolen were actually found in the Record Room itself in the said court; and therefore, FIR be quashed.

8. It may be that the name of petitioner was not mentioned in the FIR but, as per the remand report, the petitioner's involvement is indicated and it is also specifically stated that one of the missing files was found in his custody at the time of his arrest. It further reveals that when the petitioner was questioned he stated that he will show them the other remaining missing files also in Yelamanchili Court Record Room No.3; that the accused had gone into the said room along with the said police, took out the hidden files from old disposed of files and handed them over to police.

9. Since the investigation *prima facie* reveals involvement of the accused in the theft of important files relating to pending judicial matters, I am of the opinion, that this is not a fit case to exercise jurisdiction under Section 482 Cr.P.C. and quash Crime No.98/2014 on the file of Yelamanchili Town P.S., Visakhapatnam. Therefore, I do not find any merit in this Criminal Petition and it is accordingly dismissed. Other miscellaneous applications in this Criminal Petition are also dismissed.

10. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 24-04-2015

Ndr/*