

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.43 of 2015

ORDER

The petitioner, who is A3, filed the present application under Section 438 Cr.P.C. seeking release in the event of his arrest in connection with Crime No.128 of 2014 of Vakadu Police Station, SPS Nellore District, registered for the offences punishable under Sections 447, 427, 379 and 120B IPC and under Section 21(4) MMDAR Act and Section 3 of PDPP Act.

2. The case of the prosecution is that on 22.12.2014 at 6.00 PM., while the informant was in the office of the Tahsildar, the Sarpanch of Yaragatapalli Village P. Kalyan came to him and informed about transportation of sand from Yerraguntapalli Reach towards Venkatareddypalem road without any bills. Then, he along with VRA Embeti Hari Babu went to Venkatareddypalem Reach and found sand being loaded in two tractors. The drivers of the tractors on seeing them, unloaded the same with hydraulic, but however, the drivers revealed that as per the direction of their owner they are loading the sand. Basing on the confession made by the drivers, the above case came to be registered against them and petitioner/A3, who is the owner of the tractor.

3. Heard learned counsel for the petitioner and learned Additional Public Prosecutor.

4. A perusal of the material placed before this Court would show that the petitioner was not present at the scene of offence

and the drivers of two tractors were transporting the sand. Learned counsel for the petitioner submits that the same was being done without the knowledge of the petitioner, who is the owner of the tractor.

5. Having regard to the facts and circumstances, the petitioner, if so advised, is directed to surrender before the Court of Judicial Magistrate of First Class, Kota, and make an application for bail after giving prior notice to the Public Prosecutor, which shall be dealt with in accordance with law on the same day.

6. With the above direction, the Criminal Petition is disposed of.

JUSTICE C. PRAVEEN KUMAR

20th January, 2015

sj