

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.657 OF 2015

ORDER:

The petitioner, who is A-1 filed the present application under Sections 438 CrPC, seeking release in the event of his arrest in connection with Crime No.01 of 2015 of Kadium Police Station, registered for the offences punishable under Sections 307 and 324 read with 34 IPC.

The case of the prosecution is that about two years back A-1 took a hand loan from the son of the informant and executed a pronote. As A-1 failed to pay the amount, the son of the informant instituted a civil suit before the concerned court at Rajahmundry and the proceedings are pending. On 01.01.2015 at about 8.30 a.m., when the informant along with his son were going to their agricultural lands at Ramalayam temple in Muramanda village, A-1 to A-3 stopped them on their way and A-1 is alleged to have hacked the informant on the head causing bleeding injury. When the son of the informant tried to obstruct him, A-1 is also alleged to have hacked him with the knife on his head while A-2 and A-3 are alleged to have beat the informant and his son causing bleeding injuries. Basing on these allegations, the above case came to be registered.

Learned counsel for the petitioner submits that since civil disputes are pending between the parties, the present case has been foisted. He further submits that even accepting the allegations in the report to be true the ingredients constituting an offence under Section 307 IPC is not made out.

A perusal of the averments in the report would clearly disclose that A-1 is alleged to have hacked on the head of the injured with a knife causing bleeding injury. The said injury was found to be grievous. Further, the argument of the learned counsel for the

petitioner that there was no intention to kill the informant same cannot be accepted as the petitioner herein caused a grievous injury on a vital part of the body with a dangerous weapon (knife). It may be true that civil disputes are pending between them, but having regard to the nature of the injuries mentioned in the First Information Report, which corroborate with the wound certificate issued by the Doctor, the request of the petitioner cannot be considered. However, the petitioner herein, if so advised, shall appear before the concerned court and move an application seeking regular bail after giving prior notice to the Public Prosecutor, in which extent the same shall be dealt with in accordance with law, at the earliest.

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

C. PRAVEEN KUMAR, J

Date: 09.02.2015

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