

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

CRIMINAL PETITION No.5972 OF 2015

Between:

Madina Ramarao

... Petitioner

and

The State of Andhra Pradesh, rep., by Public Prosecutor

... Respondent

DATE OF JUDGEMENT PRONOUNCED: 23-07-2015

SUBMITTED FOR APPROVAL:

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

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| 1. Whether Reporters of Local newspapers
may be allowed to see the Judgment? | Yes/No |
| 2. Whether the copies of judgment may be
marked to Law Reporters/Journals? | Yes/No |
| 3. Whether Their Ladyship/Lordship wish to
see the fair copy of the Judgment? | Yes/No |

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.5972 of 2015

ORDER :

This Criminal Petition is filed by the Petitioner/Accused under Section 482 Cr.P.C seeking to quash the proceedings in P.R.C. No.5 of 2015 on the file of Judicial Magistrate of the First Class-cum-committal Magistrate, Sompeta, Srikakulam District registered for the offence punishable under Section 5 of the Explosive Substance Act, 1908.

2) Heard the learned counsel for the petitioner and the respondent-State represented by the Public Prosecutor before admission and perused the material on record.

3) The petitioner is the sole accused, against whom Crime No.116/2013 of Kanchili Police Station was registered for the above offence for his conscious possession of country bombs five in number in his house that were shown defused temporarily in the presence of mediators based on credible information and from the warrant obtained through Magistrate from the search and in laying the charge sheet after sanction from the District Magistrate concerned. The contention of the petitioner that these bombs are planted by creating a story out of

political vendetta against the petitioner is hardly sufficient to admit the application.

4) As the material falls short for this Court to admit the application for quashing the proceedings supra under Section 482 Cr.P.C, the petition is disposed of for no grounds to admit by giving liberty to file an application under Section 227 Cr.P.C before the learned Sessions Judge as the committal proceedings are almost a post office duty subject to compliance of Section 209 (a) to (d) by the learned Magistrate after the learned Sessions Judge taken cognizance under Section 193 Cr.P.C while hearing the case before charges, if no grounds to frame charge under Section 228 Cr.P.C with further remedy if at all charge framed.

5) With the above observations, this criminal petition is disposed of. As a sequel, miscellaneous petitions pending, if any, in this criminal petition shall stand closed.

Dr. B. SIVA SANKARA RAO, J

23.07.2015
ksh