

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No.2078 of 2015

ORDER:

In this petition filed under Section 482 Cr.P.C, the petitioner/A.5 seeks to quash the proceedings against him in Crime No.357 of 2014 of Chilakaluripeta Town P.S, Guntur District.

2) It is an offence under Sec.302 I.P.C relating to the murder of one M.Venkata Naga Sankar, who was an Andhra Prabha Reporter in Chilakaluripeta Town. He was allegedly murdered by A.1 to A.3 on the instructions of A.4 by indiscriminately beating him with stout sticks on the night of 25.11.2014 at about 9:45 p.m near his house. There were some disputes between the deceased and A.4. So far as the accusation against petitioner/A.5 is concerned, on the previous day of murder i.e, on the night of 24.11.2014 at about 9:30 pm, A.4 and A.1 met near Indian Overseas Bank, Chilakaluripeta where A.4 showed A.1 the deceased while he was passing in that way on his motorcycle and told that he has to beat that man. In the meanwhile, the petitioner/A.5 came there and asked A.4 whether he correctly showed the deceased-Sankar to A.1 and A.4 affirmed.

The investigation is reported to be pending.

3) Denying the allegations learned counsel for petitioner/A.5 sought for quashment of the proceedings on the submission that even if the entire prosecution case is uncontroverted, it would not disclose any offence as against the petitioner/A.5 since he had no grudge against the deceased and he did not participate in the offence of beating the deceased and except a stray submission by A.4 during his alleged confession there is nothing on record to connect A.5 to the main offence.

4) Per contra, learned Additional Public Prosecutor opposed the petition submitting that tenor of enquiry of A.5 itself would show that he knew that A.4 engaged A.1 to beat the deceased and that was why he confirmed from A.4 whether he correctly showed the

deceased to A.1 as otherwise, if he accidentally came to that place, his conversation with A.1 and A.4 would have been in a different manner unconnected to the deceased and therefore, it cannot be said that A.5 has nothing to do with the offence and since police are investigating about his actual role in the offence, the petition may be dismissed.

5) I find considerable force in the submission of learned Additional Public Prosecutor. If the confession of A.4 is uncontroverted, it would reveal as if A.5 knew A.4 engaged A.1 to beat the deceased, else he would not enquire and confirm from A.4 that he correctly showed the deceased to A.1. It is true, at this stage of investigation, except the confession of A.4, no other independent material is placed by the prosecution. However, since investigation is pending, it is not apposite to quash the proceedings against the petitioner/A.5 till ultimate truth has come out.

6) In the result, this Criminal Petition is dismissed.

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

U. DURGA PRASAD RAO, J

Date: 22.04.2015

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