

HON'BLE SRI JUSTICE M.S.K. JAISWAL

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Criminal Petition No. 9576 of 2015

Order:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioners/A4 to A6 seeking to quash the proceedings pending against them in CC No. 324 of 2014 on the file of the Judicial Magistrate of First Class, Sirpur, Adilabad District, for the offence punishable under Section 304(A) IPC.

2. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor representing the State.

3. The allegations, in brief, are that, on 29.06.2013 in the morning hours, the deceased boy, aged about 7 years, along with his classmates went on to the top of school building and, while they were playing, the deceased boy came in contact with the live electric wire and died on the spot due to electrocution. The petitioners/A4 to A6 are the officials of the electricity department.

4. The contention of the learned counsel for the petitioners/A4 to A6 is that the petitioners are not responsible for the unfortunate incident that took place where the deceased boy died due to electrocution.

5. *Prima facie* the material on record would show that there was negligence on the part of the petitioners/A4 to A6 in maintaining the live electric wires which were running across the houses, more particularly across the School building. The material on record is *prima facie* sufficient to enquire into the allegations made against the petitioners herein in the charge sheet. There are no valid grounds to quash the proceedings.

6. Accordingly, the Criminal Petition is dismissed. However, in the facts and circumstances of the case and as requested by the learned counsel for the petitioners, the Judicial Magistrate of First Class, Sirpur, Adilabad District, is directed to proceed with the case in CC No. 324 of 2014 without insisting for the presence of the petitioners/A4 to A6 herein for each and every adjournment unless their presence is required for any specific purpose.

7. As a sequel thereto, the miscellaneous applications, if any, pending in the Criminal Petition shall stand closed.

M.S.K. JAISWAL, J

Date: 09.10.2015

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