

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No. 261 of 2015

ORDER:

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The petitioner, who is accused No.1, filed the present application under Section 438 Cr.P.C. seeking release in the event of his arrest in connection with Crime No.237 of 2014 of Indukurpet Police Station, Nellore District, registered for the offences punishable under Section 420 IPC and Sections 3 and 7 of the Coastal Aquaculture Authority Act, 2005.

The case of the prosecution is that on 14.12.2014 at about 6.30 p.m. the villagers observed transport of L.Vannamei brood stock through 4 TATA Ace Transport vehicles from Moga point of Kudithipalem village near Musalareddypalem followed by Hundai Astro bearing No. AP 26 UMTR 4482. Immediately the same was informed to the local police, who intercepted the vehicles and seized the L.Vannamei brood stock. The statement given by the four drivers of the vehicles show that they were transporting the stock and do not have any information as to where the stock has to be delivered. The leader of the party is alleged to have told them to follow the vehicle. The driver of the Hundai Astro Car escaped from the scene when the villagers obstructed their vehicle. The persons who are arrested failed to produce any licence to transport the stock. Hence, the above case came to be registered.

Heard learned counsel for the petitioner and learned Public Prosecutor appearing for the respondent-State.

Learned counsel for the petitioner mainly submits that the petitioner has nothing to do with the alleged offence and that he was not present at the time of commission of offence. According to him, one of the vehicles which were seized is in the name of the wife of the petitioner and as such he cannot be fastened with any liability.

Learned Public Prosecutor on instructions submits that the said stock was being transported to Seven Hills Sanctuary which belonged to the petitioner.

A perusal of the record would show that L.Vannamei brood stock was being transported without any licence. The Public Prosecutor on instructions submits that the said stock was being transported to a place which belongs to the petitioner, but the counsel for the petitioner disputes the same. Having regard to the nature of allegations made and since the stock was being transported in one of the vehicle belonging to the wife of the petitioner, I am not inclined to consider the request of the petitioner.

Accordingly, the Criminal Petition is dismissed. However, the petitioner, if so advised, shall surrender before the appropriate Court and move an application before the Court concerned after giving prior notice to the Public Prosecutor, in which event the same shall be dealt with in accordance with law on the same day or atleast on the next day.

JUSTICE C. PRAVEEN KUMAR

16.02.2015
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CRIMINAL PETITION No.16348 of 2014

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07th January, 2015

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