

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.1615 OF 2016

ORDER:

1. This Criminal Petition is filed under Section 482 of Code of Criminal Procedure by the petitioner-accused seeking to quash the proceedings against him in C.C.No.2223 of 2014 on the file of the II AJCJ-cum-XIX Metropolitan Magistrate at Miyapur, Cyberabad.

2. Heard the learned Counsel for the petitioner-accused and the learned Public Prosecutor and perused the material available on record.

3. The petitioner is alleged to have committed the offence punishable under Sections 447, 427 IPC and Sections 3 & 4 of the Land Grabbing Act.

4. It is the case of the petitioner that no offence is made out under the Land Grabbing Act and that he has not encroached into the land in question.

5. The question as to whether the petitioner committed any offence under the Land Grabbing Act or not is a matter to be decided by the trial Court. Considering the facts and circumstances of the case and the nature of the offence, this Court is not inclined to interfere with the proceedings in the above C.C. However, it is left open to the petitioner to raise all the above grounds before the trial Court by filing a discharge application. On such application being filed, the trial Court is directed to consider the same in accordance with law. If the petitioner is aggrieved by the order that would be passed by the trial Court on such discharge application, he is at liberty to challenge the same before the appropriate forum. The presence of the petitioner before the trial Court is dispensed with except on the dates when his presence is insisted by the trial Court.

6. Accordingly, the Criminal Petition is disposed of. The miscellaneous petitions pending, if any, stand closed.

JUSTICE RAJA ELANGO

Date: 15.2.2016

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