

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 39025 of 2012

Order:

This writ petition was filed challenging the action of the first respondent in proceeding against the petitioner in connection with Crime No.106 of 2012 on the file of Police Station Veldanda, Mahaboobnagar District.

2. The case of the petitioner, in brief, is that though he owned a goods carriage bearing registration No.AP-29TB-1111, he sold the said vehicle in favour of one Veeramalla Narender Goud under an agreement of sale, dated 17.10.2012, and handed over the same to him. By virtue of the agreement, the purchaser himself is responsible for all the actions including the cases. The said vehicle was seized, when it was transporting sand along with 11 other vehicles, and a case in Crime No.106 of 2012 was registered on 19.10.2012. The subsequent purchaser himself appeared before the authorities and sought release of the vehicle and when the vehicle was not released, he filed WP No.37032 of 2012 and the said writ petition was disposed of by this Court giving liberty to the petitioner therein to take necessary steps seeking release of the vehicle from the Competent Court. Since the vehicle was sold in favour of

V. Narender Goud, the present writ petition was filed by the petitioner seeking a direction to the first respondent not to take any action against him.

3. The first respondent gave written instructions to the learned Government Pleader for Home stating that the petitioner herein is accused No.15 in FIR No.106 of 2012 relating to sand theft case and, in view of the orders passed by this Court on 19.12.2012, the petitioner was not arrested, however, a charge sheet was filed on 31.01.2013 against the persons who were already arrested and the case is being

taken up in CC No.351 of 2013 on the file of Judicial Magistrate of First Class, Kalwakurthy.

4. In the circumstances, this Writ Petition is disposed of giving liberty to the first respondent to complete the investigation against the petitioner herein also and take necessary steps for filing a charge sheet, if it is warranted. But, in view of operation of the order, dated 19.12.2012, and in view of the fact that the petitioner sold the vehicle to one V. Narender Goud, the arrest of the petitioner is not warranted in the facts of the case, unless directed by the trial Court. There shall be no order as to costs.

5. As a sequel thereto, the miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

A.
Date: 29.02.2016
Nsr

RAMALINGESWARA RAO, J.