

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.3631 of 2016

ORDER:

This Criminal Petition is filed by the petitioner-accused, under section 482 Cr.P.C., seeking to quash the proceedings against him in CC No.407 of 2014 on the file of the Judicial Magistrate of First Class, Ramannapet.

The petitioner is alleged to have committed the offence punishable under Section 171 E IPC. The allegation against the petitioner is that on 30.04.2014, he found in possession of Rs.6,000/- in order to distribute the same to the voters to cast their vote in favour of a political party. After duly enquiring into the case, the police filed charge sheet against the petitioner for the offences punishable under Sections 171 E IPC and 123(2) of R.P. Act. .

Heard and perused the material available on record.

Learned counsel for the petitioner submitted that the petitioner is falsely implicated in the case due to political rivalry and that there is no material or evidence to support the case of prosecution and basing on the confessional statement of the petitioner only, which is certainly not admissible in law, he was implicated in the case and therefore, without there being any incriminating material, continuation of proceedings against the petitioner is abuse of process of law.

From a reading of the charge sheet it is evident that the investigating agency by placing reliance only on the confessional statement of the petitioner filed the charge sheet against the petitioner. Further, there is no witness to support the case of the prosecution that the money was distributed by the petitioner and received by any of the voters. Therefore, without there being any supporting evidence to support the case of the prosecution, continuation of proceedings against the petitioner would amount to abuse of process of law and hence, the proceedings in the above CC against the petitioner can be quashed. Hence, this Court is inclined to pass the following order:

The Criminal Petition is allowed and the proceedings against the petitioner – accused in CC No.407 of 2014 on the file of the Judicial Magistrate of First Class, Ramannapet, are quashed.

Miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

March 17, 2016.

KTL