

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.2223 OF 2016

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ORDER:

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1. This petition is filed by the petitioner-accused No.4 under Section 482 Cr.P.C. seeking to quash the proceedings against him in S.T.C.No.5 of 2013 on the file of the XV Metropolitan Magistrate, Cyberabad at Medchal, Ranga Reddy District.

2. It is the case of the 2nd respondent-de facto complainant that the petitioner is one of the Directors of International Operations, Christian Broadcasting Network Multimedia Private Limited and the said company is registered as Motor transport undertaking under the provisions of Motor Transport Workers Act, 1961. On 28.9.2012 at 2.30 p.m., the 2nd respondent inspected the said Establishment and found that the petitioner and other accused failed to comply with the provisions of A.P. Motor Transport Workers Rules, 1963 punishable under Section 31 of the Motor Transport Workers Act, 1961.

3. Learned Counsel for the petitioner submitted that the prosecution in relation to the companies under the Act can lie against every person, who is in charge and responsible for conduct of its business and that the petitioner is a permanent resident of USA and he is a nominal director and he is not responsible for the conduct of business of the above said Establishment. He further submitted that A1 to A3, who are responsible for commission of the above offence, pleaded their guilty and paid fine amount imposed by the trial Court in the above STC and therefore, the petitioner cannot be prosecuted for the above offence.

4. Heard and perused the material available on record.

5. It is the case of the petitioner that even at the time of inspection, the petitioner was not present in the premises and he was in USA. In the entire complaint, nowhere it is stated that the petitioner is in

charge of the said company and he is liable for prosecution. There is no material on record to show that the petitioner is responsible for the conduct of the business of the above establishment. It is not in dispute that three persons, who were arrayed as accused in the above case, admitted their guilt and paid the fine imposed by the trial Court in the above STC.

6. Considering the above facts and circumstances of the case, this Court is of the view that it is a fit case to quash the proceedings against the petitioner.

7. Accordingly, the Criminal Petition is allowed quashing the proceedings against the petitioner-A4 in STC No.5 of 2013 on the file of the XV Metropolitan Magistrate, Cyberabad at Medchal, Ranga Reddy District. Miscellaneous petitions filed, if any, shall stand closed.

JUSTICE RAJA ELANGO

Date : 23.2.2016
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HONOURABLE SRI JUSTICE RAJA ELANGO

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DATED 23.2.2016

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