

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.13961 of 2016

ORDER :

This Criminal Petition, under Section 482 of Cr.P.C., is filed by the petitioner – A.2, seeking to quash the proceedings in Crime No.117 of 2016 of Chandrugonda Police Station, Khammam District, registered for the offences punishable under Sections 447, 427 and 379 of IPC and Section 3 of the Prevention of Damage to Public Property (PDPP) Act.

2. Heard learned counsel for the petitioner as well as the learned Public Prosecutor and perused the material on record.

3. Learned counsel for the petitioner would submit that, in fact, the petitioner, who is the owner of the alleged Tractor bearing No.AP 20 AU 7387, is not at all present at the time of commission of offence, but Accused No.1, who is the driver of the said Tractor, confessed against the petitioner and thus, the only material available on record to connect the complicity of the petitioner with the alleged offence is the confession made by the co-accused, which, according to him, is not admissible.

4. The admissibility or otherwise can be looked into at a subsequent stage. However, keeping in view, the fact that Accused No.1, who is the driver of the offending Tractor, was

already arrested and remanded to Judicial custody, only to the extent of arrest of the petitioner – A.2, is stayed till completion of investigation with a further direction that the petitioner – A.2 shall appear before the Investigating Officer concerned as and when required by him for the purpose of interrogation.

5. Accordingly, this Criminal Petition is disposed of. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

29.09.2016.
Msr

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