

THE HONOURABLE SRI JUSTICE RAJA ELANGO

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CRIMINAL PETITION No.3179 of 2016

ORDER:

This Criminal Petition is filed by the petitioner-accused No.2 seeking to quash the proceedings against him in PRC No.19 of 2013 on the file of the Judicial Magistrate of First Class, Nandalur, Kadapa District.

The petitioners are alleged to have committed the offences punishable under Sections 448, 342, 353, 354 and 323 r/w.34 IPC. The allegations against the petitioner is that he along with the other accused beat the 2nd respondent – de facto complainant by dragging him from his house and tied him to a wooden pole and when the wife of the 2nd respondent obstructed them, all the accused beat her, torn her jacket by dragging her by holding her hair and abused both of them in filthy language, as the 2nd respondent, on the instructions of VRA, removed the party flags belong to all the political parties in the village.

Heard and perused the material available on record.

Learned counsel for the petitioner submitted that after completion of investigation, the police filed charge sheet against A1 to A11 for the above said offences before the Judicial Magistrate of First Class, Nandalur, and the learned Magistrate has taken cognizance of the said offences and numbered it as PRC No.02 of 2013 and since the petitioner – A2 was not available in the village, the case against him has been split up and numbered as PRC No.19 of 2013. He further submitted that the case against A1, A3 to A11 was made over to the Principal Assistant Sessions Judge, Rajampet, by the Sessions Court and numbered it as SC No.119 of 2014 and after due trial, the learned Principal Assistant Sessions Judge acquitted the accused Nos.1, 3 to 11 on the ground that all the witnesses, including the

aggrieved persons, turned hostile and not supported the case of the prosecution. He further submitted that the case against the petitioner is also on the same footing as that of the other accused, who were acquitted after conducting the trial and therefore, the same benefit may be extended to the petitioner also.

The judgment in SC No.119 of 2014 discloses that the victim, who was examined as PW.1 and his wife, who was examined as PW.2, clearly stated that on the date of occurrence somebody came to their house and beat PW.1 and they cannot identify those persons and the accused are not the persons, who beat them and also the accused never trespassed in to their house and never outraged the modesty of PW.2. The other witnesses also turned hostile. In view of the evidence of the witnesses in the above Sessions Case, who were turned hostile, and in view of the acquittal of the other accused, who stood on the same footing as that of the present petitioner, this Court is of the view that no purpose would be served if the proceedings against the petitioner – A2 in PRC No.19 of 2013, before the Judicial Magistrate of First Class, Nandalur, Kadapa, are continued. Hence, this Court is inclined to pass the following order:

The Criminal Petition is allowed and the proceedings against the petitioner – A2 in PRC No.19 of 2013 on the file of the Judicial Magistrate of First Class, Nandalur, Kadapa are quashed. Miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

March 11, 2016.
KTL

Basing on the complaint given by the 2nd respondent the police registered a case in Crime No.53 of 2012 for the offences punishable under Sections 448, 342, 353, 354 and 323 r/w.34 IPC.