

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

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CRL.P.NO.8952 OF 2009

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ORDER

This petition is filed under Section 482 Cr.P.C. seeking to quash the proceedings in Crime No.51/2009, of Sadasivpet Police Station, Medak District, registered against the petitioner- (A-1) and others, for the offences punishable under Section 3 (x) of SCs and STs (POT) Act, 1989 and Section 506 IPC.

2. The allegations against the accused are that on 2.3.2009 while the informant along with other labourers was harvesting the sugarcane crop in the land of one N.Kamalakar, at about 11.30 a.m. or 12.00 noon, A-2 to A-5 along with A-1, went there and A-1 abused the informant in the name of his caste for cutting sugarcane crop in spite of his protest and thereafter A-1 to A-5 chased him with axes, but he escaped unhurt.

3. The learned counsel for the petitioner/A-1 would submit that in view of the interim stay granted in favour of A-1, a charge sheet was laid against A-2 to A-5 and the case against A-1 was split. Trial proceeded against A-2 to A-5 in S.C.S.T.S.C.No.13 of 2010 on the file of Special Judge for Trial of Offences under SC/ST (POA) Act – cum – V- Additional District and Sessions Judge, Medak at Sangareddy and by judgment dated 4.5.2011, the said case ended in acquittal, as the prosecution failed to prove the case against the accused A-2 to A-5. Hence, the learned counsel for the petitioner submits that since the case on hand stands on the same footing as that of A-2 to A-5, seeks extension of the same benefit.

4. Heard the learned counsel for the petitioner and the learned Public Prosecutor.

5. At the cost of repetition, the allegations against the accused are that at about 11.30 or 12-00 noon, when the informant along with other labourers was harvesting the sugarcane crop in the land of N.Kamalakar, A-2 to A-5 along with A-1 went there and A-1 abused him in the name of his caste for cutting sugarcane crop in spite of his protest and thereafter A-1 to A-5 chased

him with axes, but he escaped unhurt. The informant was examined as P.W.1 before the trial court. In his chief examination he deposed about the incident as narrated in the report. But in the cross-examination, he deposed that one Narayana was cultivating the said land and it was the said Narayana who was harvesting the said crop. Thereby he has no necessity to go to the land of P.W.2 for harvesting the crop. P.W.2 is the owner of the land. As per the report, the incident is alleged to have taken place on 2.3.2009 at about 11.30 a.m. or 12.30 noon. But P.w.2 in his evidence deposed that the incident took place at about 9-30 or 10-00 a.m. There is contradiction with regard to time of occurrence. P.Ws.3 and 4 are the labourers who were alleged to have been engaged for harvesting the crop and before whom the incident is alleged to have occurred. In their evidence, they did not state anything with regard to accused abusing P.W.1 in the name of his caste and also attacking him. Though they were declared hostile, the learned Assistant Public Prosecutor could not elicit anything in favour of the prosecution. The punch witnesses to the scene of offence also did not support the case of the prosecution. The trial court found that there was delay in lodging the report and no proper explanation was forthcoming from the informant. Appreciating the entire evidence on record, the trial court held as under:

“ . . . since the prosecution failed to prove that the accused persons abused P.W.1 taking his caste name and attacked him, no case is proved against A-2 to A-5 and hence they are entitled for acquittal for the offences with which they are charged.”

6. The allegations against A-1 and other accused A-2 to A-5 are one and the same. As referred to above, the trial court after appreciating the entire evidence, held that prosecution failed to prove the case against A-2 to A-5. Under these circumstances, the issue that falls for consideration is whether the acquittal of co-accused is a valid ground to quash the proceedings against the petitioner under Section 482 Cr.P.C.?

7. The Apex Court in the judgment reported in CENTRAL BUREAU OF INVESTIGATION vs. AKHILESH SINGH^[1] held that once the main accused was discharged, no purpose would be served in further proceeding with the case against the other accused. The relevant portion is as under:

“ Once the main accused who is alleged to have hatched the conspiracy and who had the motive to kill the deceased was discharged, and when that matter had attained finality, the learned single Judge was fully justified in holding that no purpose would be served in further proceeding with the case against the respondent.”

8. Identical issue came up for consideration in Crl.P.No.3802/2011, wherein a learned single Judge of this court after taking into consideration various judgments of this court and the judgment of Apex Court (1 supra), held as under:

“7 As per the principle enunciated in the cases cited supra, if both the accused were charged with the same offences arising out of the same crime and after full fledged trial if one of the accused is acquitted, the co-accused is entitled to file a petition for quashing of the proceedings since no useful purpose will be served even if the co-accused is forced to face trial.”

9. In view of the judgments referred to above and having regard to the fact that the case against the co-accused ended in an acquittal after a full-fledged trial, I am of the considered view that no useful purpose would be served if the present accused is subjected to trial. Hence, in exercise of jurisdiction under Section 482 Cr.P.C. I am inclined to allow the criminal proceedings and quash the proceedings initiated against the petitioner.

10. For the foregoing reasons, the investigation in Crime No.51/2009 of Sadasivapet Police Station, Medak District, registered against the petitioner, who is A-1 in the crime, for the offence punishable under Section 3 (x) of SCs and STs (POT) Act, 1989 and Section 506 IPC, is hereby quashed.

11. The criminal petition is accordingly allowed.

12. Miscellaneous petitions pending if any, shall stand closed.

C.PRAVEEN KUMAR,J

DATE:04.08.2016

AVS

[\[1\]](#) AIR 2005 SC 268