

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.3071 OF 2016

ORDER:

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This petition is filed by the petitioner-A1 under Section 482 Cr.P.C. seeking to quash the proceedings against him in C.C.No.333 of 2015 on the file of the Judicial First Class Magistrate, Bodhan.

Heard and perused the material available on record.

It is alleged that A2, who is the driver of the lorry of the petitioner, was found transporting sand in the lorry from Manjeera River illegally. Thus, he committed the offence punishable under Section 379 IPC.

It is the case of the petitioner that the Tahsildar, Bodhan Mandal has imposed penalty of Rs.50,000/- for illegal transportation of the sand and the said penalty was paid by the petitioner and the lorry was released. It is the further case of the petitioner that as the penalty was collected by compounding the offence, either the 2nd respondent or the police cannot be permitted to continue the proceedings against the petitioner.

The truth or otherwise of the grounds raised by the petitioner can be decided by the trial Court. The petitioner is at liberty to file an application before the trial Court raising all the above grounds and seeking discharge. On such application being filed, the trial Court is directed to dispose of the same in accordance with law. Till disposal of such discharge application, the presence of the petitioner before the trial Court is dispensed with. If the petitioner fails in the discharge application, the petitioner is at liberty to challenge the same before the appropriate Court.

Accordingly, the Criminal Petition is disposed of. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Date : 10.3.2016

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DATED 10.3.2016

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