

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.2863 OF 2017

ORDER:

The present Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'the Code'), is filed requesting to quash the proceedings in P.R.C.No.15 of 2016 on the file of Assistant Sessions Judge, Srikalahasti.

2. Petitioner is arraigned as accused No.5 in the aforesaid P.R.C. He alleged to have committed the offences punishable under Sections 120B, 307 and 379 I.P.C., Section 20 (1) (c) (ii), (iii), (iv), (v), (x) and 29 (ii) (b) of A.P. Forest Act, 1967, Rule 3 of A.P. Forest Red Sandal Wood Transit Act, 1969, and Rule 3 of A.P. Red Sandal Wood Possession Rules, 1989, read with Section 29 (4) (a) (ii) of A.P. Forest Act.

3. Heard Sri V.R.Machavaram, learned counsel for the petitioner, and learned Additional Public Prosecutor for the State of Andhra Pradesh.

4. The main submission of the learned counsel for petitioner has been that the alleged confessional panchanama said to have drafted by the Investigating Agency is inadmissible, as no recovery has been effected consequent to the confession said to have made by the petitioner. The learned counsel also relied on a ruling of the

Honourable Supreme Court in **Pancho v. State of Haryana**¹ to fortify the said submission and basing on the said authority, he would state that confession of the nature alleged to have made by the petitioner is a weak piece of evidence and conviction cannot be recorded basing thereupon.

5. Learned Additional Public Prosecutor would resist the request and he would point out certain portions in the confessional recovery panchanama of accused Nos.1 and 2.

6. The said confession, though, made by a co-accused, of course, would become admissible under Section 30 of the Indian Evidence Act, irrespective of the weight that can be given to it, which can only be considered when a full-fledged trial takes place. Further, accused Nos.4 and 6 are no other than the father and brother, respectively, of the petitioner and according to the prosecution case, they have indulged in doing red sandal business illegally, exporting red sandal out of India. Therefore, it cannot be said that there is no material worth the name *prima facie* to substantiate the offences alleged against the petitioner. There is no merit in the present Criminal Petition.

¹ (2011) 10 SCC 165

7. Hence, the present Criminal Petition is dismissed.
Miscellaneous Petitions, if any, pending in this Criminal Petition,
shall stand closed.

A. SHANKAR NARAYANA, J

April 07, 2017.
MD

