

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.3332 OF 2017

ORDER:

The present Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Code'), requesting to quash the proceedings in C.C. No.481 of 2016 on the file of XIV Metropolitan Magistrate, Cyberabad at L.B. Nagar, arising out of Crime No.504 of 2016 of Pahadishareef Police Station, Rachakonda District.

2. The petitioners viz., Baki Pochaiah, Baki Yadaiah, Baki Narsimha and Baki Shankaraiah, respectively, who are arraigned as accused Nos.2, 3, 4 and 5 in the above C.C. alleged to have committed the offences punishable under Section 379 of the Indian Penal Code, 1860 (IPC) and Section 10 of The Water Land and Trees Act, 2002.

3. Sri C.D. S.B. Venkata Rao, learned counsel for the petitioners, would submit that the petitioners, who are assigned an extent of Acs.3.00 of land, have not extracted the sand from their assigned land, but, it is extracted from outside their assigned land and, thus, the petitioners are falsely implicated.

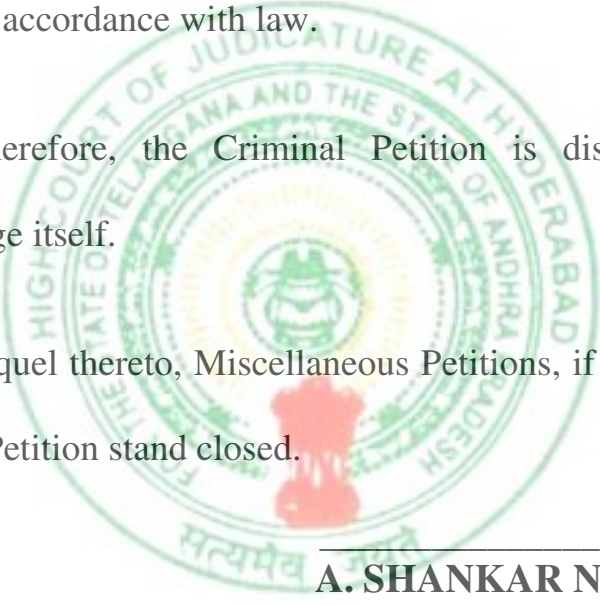
4. The statements recorded by the police make out an allegation that the sand is extracted from the assigned land of the petitioners by them without prior permission from the competent authority. When the disputed questions of fact exists in the present

case, which have to be resolved and which can be done only when a full-fledged trial takes place, enquiry under Section 482 of the Code cannot be made.

5. The learned counsel for the petitioners would urge to permit one of the petitioners to represent the other three petitioners in the C.C. But, in that direction, the learned counsel can make an application under Rule 37 of the Criminal Rules of Practice, 1990, if the petitioners so choose, which would be decided by the learned Magistrate, in accordance with law.

6. Therefore, the Criminal Petition is dismissed, at the admission stage itself.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the Criminal Petition stand closed.


A. SHANKAR NARAYANA, J

April 24, 2017.
PV