

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.7825 of 2017

ORDER :

Heard learned counsel for the petitioners/accused Nos.1 and 2 of Crime No.36 of 2017 of Karamchedu Police Station, Prakasham District, registered for the offence originally under Section 174 Cr.P.C. and by alteration memo converted under Section 304-II IPC and learned Public Prosecutor representing the State-1st respondent before ordering notice to the 2nd respondent-*de facto* complainant and also perused the grounds urged in the quash petition and the contents of F.I.R.

2. Though there is force in the contention of the learned counsel for the petitioners in saying there is no material filed to say that the petitioners are responsible about several years back at the time of doing the work in question as Sarpanch and the Junior Engineer or they are if personally responsible and in the absence of which, there is nothing to interdict. Though there is no interdict investigation, it is a case clearly to decide whether the offence falls under Section 304-A IPC or 304-II IPC. Having regard to the above, the investigation shall go on, but not to arrest the petitioners pending investigation, however this will not prevent the securing the presence of the petitioners for the purpose of investigation as and when required.

3. Accordingly and with the above observations, the criminal petition is disposed of.

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

Dr. B. SIVA SANKARA RAO, J

5th September 2017.

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