

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.2204 OF 2017

ORDER:

The present Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed requesting to quash the First Information Report in Crime No.111 of 2016 of Police Station Vempalli, Y.S.R. Kadapa District.

2. The petitioner is arraigned as accused No.3 in the aforesaid crime and alleged to have committed the offences punishable under Sections 420, 468 and 471 I.P.C.

3. Heard Sri G. Seena Kumar, 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 is that based on confession of co-accused, the present petitioner is falsely implicated.

5. A perusal of the complaint averments as well as the contents in Remand Report would show, even at this stage, *prima facie* allegations against the petitioner to the effect that the petitioner was the person, who induced accused Nos.1 and 2, who indulged in fabricating false documents, the nature of the documents being mentioned in the remand case diary, which is unnecessary to repeat and, certainly, at this stage, it cannot be said that there is no material

worth the name against the petitioner, who is accused No.3, by name Shaik Nayab Fayaz Ahmed, as Section 30 of the Indian Evidence Act does not bar the admissibility of the confession of co-accused, though, the confession of co-accused alone cannot form the basis to record conviction, and can be used only for limited purpose. Therefore, it is not a case to view that further investigation in the crime would amount to abuse of the process of law.

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

March 17, 2017.
MD

A. SHANKAR NARAYANA, J

