

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No. 12441 OF 2010

ORDER :

This Criminal Petition is filed by the petitioner who is PC No.1042, Tiruvuru of Krishna district, in C.C.No.745 of 2010 on the file of the learned Addl.Judicial Magistrate of First Class, Tiruvuru, Krishna district, registered in Cr.No.78 of 2010 for the offence u/sec.420 IPC, by the Station House Officer-2nd respondent herein, seeking to quash the proceedings in the above Calendar Case with the grounds in the petition that the petitioner was deputed to detect gambling cases and as per the G.D. entry on 09.07.2010 while the petitioner along with another was investigating a gambling case, they apprehended A.3 in the said crime and handed over to Circle Inspector, and unfortunately instead of appreciating him, he was added as an accused which is unjust. He further averred that on the face of it no case is made out against him, hence to quash the proceedings in the above Calander Case against him.

Heard the learned counsel for the petitioner and the learned Public Prosecutor for the respondents and perused the material on record.

As per the police final report outcome of the investigation, A.1 to A.9 are involved in the racket of cheating innocent public including in the nearby districts by inducing them to offer triple forged currency on original currency with chemical process and A.2 is their batch leader and the complainant is one of such victims in their hands by

inducing the triple forged currency to the original currency for an amount of Rs.1,50,000/- which they received. The learned Magistrate after framing of charges put the accused other than the petitioner/A.10 to trial. There is privy with A.10/the petitioner herein also over phone contact in talking with L.W.1 to some extent but all were absconded and that is the role of A.10 for which the learned Magistrate took cognizance. Against the accused/A.1 to A.9, other than the petitioner/A.10 against whom the case was split up by order dated 21.06.2012, after trial were acquitted vide judgment dated 24.06.2014. When examined the witness-P.W.1, did not even support the prosecution case.

Accordingly and in the result, the Criminal Petition is allowed by quashing the proceedings against the petitioner/A.10 in C.C.No.745 of 2010 on the file of the learned Addl.Judicial Magistrate of First Class, Tiruvuru, Krishna district. The petitioner/A.10 is acquitted. His bail bonds shall stand cancelled.

Dr.JUSTICE B.SIVA SANKARA RAO

Date:17.08.2017
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