

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.8143 of 2010

ORDER:

The petitioner is accused No.4 of C.C No.191 of 2010 on the file of Judicial Magistrate of First Class, Nandyal, which is outcome of Crime No.107 of 2009 of Nandyala Taluq Police Station, registered for the offences punishable under Sections 171-E, 188 IPC and Sections 122 and 133 of Representative of Peoples Act and Sections 34, 36 and 41 of A.P. Excise Act. The petitioner is now seeking to quash the said proceedings.

2) The alleged offence was occurred on 18.04.2009 at 19.00 hours covered by crime No.107 of 2009 of Nandyal Taluq Police Station pursuant to the panchanama proceedings of arrest of accused No.1 and seizure of liquor bottles from him on that day for the said offences supra, by citing all the police witnesses, for the panchanama and registration of crime and filing of final report among LWs.1 to 7 is that accused No.1 is follower of A.2, A.3 is cashier of Sankar Wine Shop and A.4 is owner of Sankar Wine Shop. A2 is a contested candidate for the post of MLA on behalf of Prajarajyam Party. A.1 and A.4 are residents of Kanala Village of Nandyal Mandal. A.2 is a resident of NGO Colony, while A.3 is a resident of Saibabanagar of Nandyal Town. The police constables—LWs.1 to 3 and SHO of Nandyal—LW.6 assisted in seizure of 7 boxes of cheap liquor bottles from accused No.1 and arrested him, from which, LW.5—S.I of police, who conducted investigation issued FIR saying, on 18.04.2009 at about 7.00 pm, when LW.6 along with SI and LWs.1 to 3—Constables in a police jeep, visited Kanala Village at 7.45 pm, they found A.1 along with

others tried to flee away and caught hold of A.1 and on asking his name, A.1 revealed his identity and left behind 7 boxes of cheap liquor bottles and on enquiry, he stated that he was distributing the bottles to the villagers at the instance of A.2 to have more gathering to the public meeting of Chiranjeevi and that was being held on 19.04.2009 at Nandyal that were secured from A.3 on 17.04.2009 and distributed 271 quarter bottles and PRP caps to the villagers. On suspicion, LW.6 examined the boxes and found 243 original choice bottles, 49 royal executive quarter bottles and 13 aristocrat quarter bottles and seized totally 305 quarter bottles in 7 boxes along with 40 PRP caps under the cover of police proceedings and registered the crime, but for to say that the so-called disclosure by A.1 from the police investigation and final report, there is no any other basis, even what Section 171-E IPC speaks is A.1 is a piece of evidence of bribery in relation to the elections is liable for punishment. A.1 is not even the contestant and A.2 is not even disputing being a contestant and the so-called supply of liquor not even in relation to the election offence to vote, but to supply those willing to take, if at all, for the offence under Section 171 E that attracts. Further, there is a bar in registering the crime for the offence under Section 188 IPC and, if at all, on his found liable for any offence, it is only for the excise offence under Section 34 of A.P Excise Act.

3) So far as the offences alleged against petitioner/ A.4 is concerned, there is no any material at all to implicate him of the said stock purchased from the shop of A.4, much less by A.1 at the instructions of A.2.

4) Having regard to the above, the Criminal Petition is allowed and the proceedings in C.C. No.191 of 2010 on the file of Judicial Magistrate of First Class, Nandyal, against petitioner/A.4 are hereby quashed. The bail bonds of the petitioner/ A.4, if any, shall stand closed.

5) Miscellaneous petitions, if any, pending in this Criminal Petition shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Dt.08.11.2017
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