

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION Nos.1667 AND 1668 OF 2017

COMMON ORDER:

The petitioner in both the Criminal Petitions is one and the same and his position in the arraignment of accused i.e., accused No.25, in C.C.Nos.26 and 27 of 2014 on the file of learned Judicial Magistrate of First Class, Railway Kodur, Kadapa, is also identical. He seeks to quash the proceedings in the aforesaid Calendar Cases, which are split up cases from the main C.C.Nos.112 and 121 of 2006 pending on the file of very same Magistrate.

2. C.C.No.26 of 2014 is the split up case against the petitioner and accused Nos.5 and 26 therein, whereas C.C.No.27 of 2014 is the split up case against the petitioner and accused Nos.5 and 24 therein. According to the learned counsel for petitioner, the main C.C.Nos.112 and 121 of 2006 are also on the file of Judicial Magistrate of First Class, Railway Kodur, Kadapa District, and the offences alleged against the petitioner are punishable under Sections 147, 427 and 435 read with 149 I.P.C., Sections 3 and 4 of Prevention of Damages to Public Property Act and Section 7 (1) of Criminal Law Amendment Act, 1932.

3. Sri V. Eswaraiah Chowdary, learned counsel for the petitioner in both the petitions, would submit that the main cases in C.C.Nos.112 and 121 of 2006 ended in acquittal and draw the attention of this Court to the judgments in C.C.Nos.112 and 121 of

2006 and the depositions of the witnesses examined. But, the fact is that just basing on these depositions and judgments, it is difficult to quash the proceedings against the petitioner, except to direct the learned Magistrate to split up the case of the petitioner herein from other accused and assign new case numbers and then proceed with the trial. In case, respondent No.1 opines that there is no case against the petitioner herein, in view of the judgments rendered by the learned Magistrate in the main Calendar Cases, it is open for it to withdraw the cases seeking permission of the Court in accordance with law. The aforesaid process shall be completed as expeditiously as possible, preferably within six (6) months from the date of receipt of a copy of this order.

4. With the above directions, the Criminal Petitions are disposed of. Miscellaneous Petitions, if any, pending in these Criminal Petitions, shall stand closed.

A. SHANKAR NARAYANA, J

March 02, 2017.

Note: Issue C.C. by 06.03.2017.
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