

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.893 OF 2017

ORDER:

The present petition is filed under Section 482 of Code of Criminal Procedure, 1973 to quash the proceedings in P.R.C.No.9 of 2016 on the file of Judicial First Class Magistrate, Gooty, Anantapur. Petitioner along with 147 accused alleged to have committed the offences punishable under Sections 147, 148, 324, 332, 307 r/w.149 of Indian Penal Code (for short 'IPC') and under Section 3 of Prevention of Damage to the Public Property Act and under Section 3 (1) (x) of Scheduled Castes and Scheduled Tribes Prevention of Atrocities Act and Police firing of Pedda Vadugur P.S.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor.

Sri G.Allabaksh, learned counsel for the petitioner would submit that no specific allegation is made in the complaint or anywhere against the petitioner, who is arraigned as accused No.131 and, therefore, it is a deserving case where the proceedings in P.R.C.No.9 of 2016 can be quashed. It is also his submission that petitioner was not at all present when the alleged incident took place.

When 148 persons have been arraigned as accused and when the provisions of Section 149 IPC dealing with the constructive liability is clutched the disputed question of fact as to the absence or presence of the petitioner can only be examined

during trial. Hence, it is not a fit case to quash the proceedings and accordingly, the Criminal Petition is dismissed.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the Criminal Petition stand closed.

A. SHANKAR NARAYANA, J

3rd February, 2017
Rds



HON’BLE SRI JUSTICE A.SHANKAR NARAYANA



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TYPED & SENT	07.02.2017	Rds
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LR FOLDER	—	—
RETYPE		

03.02.2017

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