

THE HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.6632 OF 2017

ORDER:

Heard learned counsel for the petitioner/A3 of Crime No.60 of 2017, on the file of Palakaveedu Police Station, Suryapet District and also the learned Public Prosecutor, representing the 1st respondent – State, before ordering notice to 2nd respondent/defacto complainant - Village Revenue Officer and perused the quash petition averments and the FIR and remand report of A1.

2. The crime is registered for the offences punishable under Section 379 IPC and Section 3 of Prevention of Damage to Public Property Act, 1984. There are five accused, including the petitioner shown as A3, in abscondence from the arrest, for the others were taken to custody and were enlarged on bail.

3. It is the contention of the petitioner that he is a Home Guard and he is falsely implicated, as if, he was driving the vehicle of A1, at the time of alleged theft of the sand.

4. Having regard to the above, from the investigation is at nasal stage, there is nothing to interdict the investigation, but for to say, in the event of any necessity of arrest of the petitioner pending investigation, the police shall strictly follow

Section 41A of Cr.P.C. and the guidelines laid down by the Hon'ble Apex Court in ***Arnesh Kumar Vs. State of Bihar***¹.

5. Accordingly and with the above direction, this criminal petition is disposed of. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence.

DR.B.SIVA SANKARA RAO, J

02.08.2017
SS



¹ 2014 (5) SCC 324