

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.2498 OF 2017

ORDER:

The present Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed requesting to quash the proceedings in S.C.No.617 of 2011 on the file of IV Additional Sessions Judge, Karimnagar, Karimnagar District.

2. Respondent No.2 – *de facto* complainant lodged a complaint against the petitioner and others and the same was registered as Crime No.73 of 2001 of Ellanthakunta Police Station for the offences punishable under Sections 148, 364, 302 and 427 read with 149 I.P.C. and Section 27 of Indian Arms Act. The petitioner is arraigned as accused No.6 in the aforesaid crime. In fact, the present Sessions Case is split up from the main case i.e., S.C.No.855 of 2003, which was disposed of on 03.11.2004, by the IV Additional District and Sessions Judge (Fast Track Court), Karimnagar, acquitting accused Nos.7, 8, 12, 16 and 17. Since, the main accused were absconding, the case against accused Nos.7, 8, 12, 16 and 17 was taken up and disposed of.

3. Sri Thoodi Chandra Shekar Rao, learned counsel for the petitioner, would submit that the petitioner was in Dubai and just returned and he even surrendered before the concerned Magistrate and was remanded to judicial custody. It is his submission that when S.C.No.855 of 2003 itself was disposed of resulting in acquittal of

accused Nos.7, 8, 12, 16 and 17, no purpose would be served, even if the petitioner – accused No.6 is prosecuted.

4. Learned Additional Public Prosecutor for the State of Telangana would resist the request on the ground that the bail petition filed by the petitioner was dismissed by this Court by a learned single Judge. It is, according to him, that the main accused are not dealt with in S.C.No.855 of 2003.

5. It is true, S.C.No.855 of 2003 was proceeded against accused Nos.7, 8, 12, 16 and 17 only, out of 17 accused, just basing on the statements of some of the prosecution witnesses. Hence, it is difficult, at this stage, to hold that prosecution of the petitioner would amount to the abuse of process of law.

6. Hence, the present Criminal Petition is dismissed. Miscellaneous Petitions, if any, pending in this Criminal Petition, shall stand closed.

A. SHANKAR NARAYANA, J

March 27, 2017.
MD