

THE HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

CRIMINAL PETITION No.259 OF 2017

ORDER:

The present Criminal Petition is filed to quash the proceedings in Crime No.235 of 2013 of Langar House Police Station, Hyderabad, requesting to exercise the power under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.').

2. The petitioner herein is arraigned as A.6, who alleged to have committed the offence punishable under Section 25(1-B) of the Arms Act, in the aforesaid crime.

3. Sri E.V.V.S. Ravi Kumar, learned counsel for the petitioner, would submit that except the so-called confessional statement said to have been made by the petitioner, there is no other material to show, *prima facie*, complicity of the petitioner herein in the present crime and the complaint is absolutely silent and the alleged seizure of a country made revolver said to have been sold by A.1 cannot be believed at this stage. Therefore, he seeks to quash the proceedings against the petitioner.

4. Learned counsel has also drawn the attention of this Court to the relevant portions of the Remand Case Diary, which relate to the production of A.1 to A.7 and A.11, apart from remand before the learned Magistrate, at Page No.8 of the Remand Case Diary, there is a categorical mentioning that the Investigating Officer has visited the house of A.6 and issued notice under Section 41A Cr.P.C., for

which no proper reply was given and on interrogation, the confession said to have been made by A.6 and in consequence thereof, a country-made revolver was said have seized, which was alleged to have purchased from the 1st accused.

5. When there is a specific mention in the Remand Case Diary, irrespective of the fact that complaint is bereft of the said details, in the peculiar circumstances occurring herein as the alleged complicity of A.6 was in consequence of the confession made by the 1st accused, certainly, it cannot be said that there is no *prima facie* material at this stage to stifle the investigation and accede to the request made by the petitioner.

6. Therefore, the present Criminal Petition is dismissed at the stage of admission.

Consequently, Miscellaneous Petitions, if any, pending in this petition shall stand closed.

JUSTICE A.SHANKAR NARAYANA

Date:25.01.2017
INL