

HON' BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.16744 OF 2016

ORDER:

The present petition is under Section 482 of the Code of Criminal Procedure, 1973, requesting to quash the proceedings in C.C. No.130 of 2016 on the file of the II Additional Judicial Magistrate of First Class, West Godavari.

The petitioner, who is sole accused, alleged to have committed the offence punishable under Section 389 IPC.

Heard Ms. I. Maamu Vani, learned counsel for the petitioner, and learned Public Prosecutor appearing for the State of Andhra Pradesh.

The learned counsel would submit that it is a typical case where the allegations in the charge sheet would reflect that at the instance of one Uppati Ragava Rao, an employee of Forest Department, the petitioner alleged to have made phone calls to respondent No.2 on three occasions informing that some farmers were tilling fish tanks in the forest area and, thus, prompted the *de facto* complainant to rush to the spot thrice and finding none, and on 10.03.2015, when the petitioner personally met him, the petitioner said to have informed him that on the advice of Uppati Ragava Rao, in order to extract Rs.5,00,000/- from the farmers, the said phone calls said to have made by him. The learned

counsel would submit that the petitioner is totally innocent and initially the offences under Sections 353 and 506 IPC were levelled when FIR was issued and later the offence under Section 389 IPC was clutched when charge sheet was laid.

It is not in dispute that cognizance for the offence punishable under Section 389 IPC was taken against the petitioner. It is represented by the learned counsel that even charges have been framed. In which case, certainly, truth or otherwise in the allegations levelled in the charge sheet can only be examined during the trial. There is no concrete material so as to throw away the charge sheet at this stage.

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

A. SHANKAR NARAYANA, J

January 17, 2017.
Mgr