

THE HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION NO. 8063 of 2017

ORDER :

The present criminal petition is filed under Section 482 of Cr.P.C. seeking to quash the proceedings in Crime No.35 of 2017 on the file of Madanapalle Taluk Police Station, registered against the petitioner and others for the offences punishable under Sections 379, 307, 353 read with Section 34 of IPC and Section 21 (IV) of Mines and Minerals (D & R) Act, 1957.

2. The case of the prosecution is that on 17.03.2017, at about 11.30 a.m., on receiving credible information about illegal transportation of sand in a lorry bearing No.AP 27 TY 2355, the police officials conducted vehicle check and found that A1 and A2 were illegally transporting the sand from Kalikiri to Bangalore from the lands of A5/ petitioner, who dumped the same as per the instructions given by A3 and A4. It is further stated that when the informant tried to stop the lorry, the accused tried to kill the police, which lead to registration of the present crime.

3. Learned counsel for the petitioner mainly submits that even accepting the allegations in the report to be true, none of the offences alleged are made out against the petitioner. The same is disputed by the learned Additional Public Prosecutor contending that all the accused are involved in illegal mining and transport of sand, so as to defraud and cause loss to the State Exchequer.

4. As seen from the record and also panchanama prepared at the time of seizure, the land of the petitioner was being used to store the illegally mined sand. The averments clearly indicate that on the instructions given by A3 and A4, the petitioner was storing the sand illegally. Therefore, the complexity of the petitioner in committing the offence cannot be decided at this stage as the matter requires investigation. Accordingly, the request of the petitioner is rejected. However, the petitioner is always at liberty to surrender before the concerned Court and move for regular bail, in which event, the same shall be dealt with in accordance with law, either on the same day or at the earliest.

5. Accordingly, the criminal petition is disposed of.

Consequently, miscellaneous petitions, if any pending, shall stand closed.

18.09.2017
vhb



JUSTICE C. PRAVEEN KUMAR