

HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.6449 OF 2017

ORDER:

This criminal petition, under Section 482 of Cr.P.C., is filed by the Petitioner/A-2 seeking to quash the proceedings in P.R.C. No.18 of 2016, pending on the file of Court of Additional Judicial First Class Magistrate, Peddapuram, East Godavari District.

Heard the learned counsel for the Petitioner/A-2 and learned Public Prosecutor and perused the record.

It is averred in the charge sheet filed before the Court of Additional Judicial First Class Magistrate, Peddapuram that the Petitioner/A-2 is the cleaner of the crime lorry bearing registration No.AP31-TB-7704. He has no knowledge of A-1 committing various offences as alleged in the charge sheet. There is no record to take cognizance against him and proceed with the trial.

Learned Public Prosecutor opposed the petition stating that it is a premature stage and relied on a decision of the Apex Court in ***Umesh Kumar Vs. State of Andhra Pradesh***¹, wherein it was held that at premature stage this kind of petition is not maintainable.

It is relevant to state that, admittedly, the case is not committed to the Court of Sessions having jurisdiction and in such event the Petitioner/A-2 can file an appropriate petition for his discharge or agitate all his grievances before the charges are framed by the Court of Sessions. Hence, at this stage, the Petitioner/A-2 cannot invoke the jurisdiction of this Court under Section 482 of C.P.C.

¹ 2013 (10) SCC 591

The criminal petition is devoid of merits and is, accordingly, dismissed.

As a sequel, miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

Dr. SHAMEEM AKTHER, J

Date: 28-07-2017.
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