

THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

+ Crl.P.No.4258 of 2013

% 09-04-2018

Kota Gangaram @ Gangarapu Gangaram, s/o. Hanmantha Rao,
aged:38 years occ:nil R/o.H.No.3-2-193, Ramnagar Picket,
Secunderabad.

...petitioner.

Vs.

\$ The State of A.P., rep. by Public Prosecutor, High Court of A.P.,
Hyderabad and another.

... Respondents

!Counsel for the petitioner: Sri Katam Srinivas

Counsel for Respondent No.1: Public Prosecutor (TG)

Counsel for Respondent No.2: Sri R. Venkata Reddy

< Gist :

> Head Note:

? Cases referred:

-nil-

THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD**Crl.P.No.4258 of 2013****ORDER**

This criminal petition is filed under Section 482 Cr.P.C., seeking to quash the proceedings in C.C.No.302 of 2012 on the file of VI Additional Judicial First Class Magistrate, Warangal, against the petitioner/A3.

2. The petitioner is A3, who is alleged to have committed the offence punishable under Section 420 IPC along with A1, A2 and A4 to A6. On the complaint of the second respondent/de-facto complainant, the police registered a case in Cr.No.257 of 2011 on 09.12.2011 for the offence punishable under Section 420 IPC. After investigation, the police have filed the charge sheet in this case.

3. Learned counsel for the petitioner submits that the petitioner/A3 has nothing to do with the commission of the offence as his name does not find place in the partnership deed and he is no way connected with the transaction and therefore, the proceedings against the petitioner may be quashed.

4. Learned counsel for the second respondent submitted that the charge sheet was taken on file, CC was numbered and five witnesses have been examined in this case. He further submitted that as there is no stay granted by this Court, the trial is being proceeded with by the trial Court and that there are no grounds to quash the proceedings in this case.

5. The arguments of the learned counsel for the petitioner and the learned counsel for the second respondent can be considered

only by going through the material evidence. The question of fact cannot be decided at this stage. Since the trial has already been commenced and five witnesses have been examined, it is not appropriate to quash the proceedings at this stage.

6. Having regard to the facts and circumstances of the case, the Criminal Petition is disposed of, directing the trial Court to dispose of C.C.No.302 of 2012 expeditiously.

7. Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

9th April, 2018

sj

L.R.copy



GUDISEVA SHYAM PRASAD, J