

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.2787 of 2018

ORDER:

This Criminal Petition, under Section 482 of Cr.P.C., is filed by the petitioner/accused No.1, seeking to quash the proceedings against him in F.I.R.No.250 of 2017 on the file of the Proddatur Rural Police Station, Kadapa District, registered for the offences under Section 379 I.P.C.; and Section 3 of Prevention of Damage to Public Property Act; and Section 9Q of A.P. New Sand Policy Amendment Act, 2016; and Rule 9(B)(2) of A.P.M.M.C. Rules, 1966; and Section 3 read with 181; and Section 5 read with 180 of Motor Vehicles Act.

2. Heard the learned counsel for the petitioner-A.1, learned Assistant Public Prosecutor representing the respondent-State and perused the record.

3. Learned counsel for the petitioner would submit that this petitioner is implicated in this case pursuant to the confession made by accused Nos.2 and 3; the petitioner has nothing to do with the transporting of sand in Lorry bearing No.AP 04 TW 2367 and nothing was recovered from the possession of the petitioner-A.1 and ultimately, prayed to quash the proceedings in Crime No.250/2017 registered for the offences under Section 379 I.P.C.; and Section 3 of Prevention of Damage to Public Property Act; and Section 9Q of A.P. New Sand Policy Amendment Act, 2016; and Rule 9(B)(2) of A.P.M.M.C. Rules, 1966; and Section 3 read with 181; and Section 5 read with 180 of Motor Vehicles Act.

4. Learned Assistant Public Prosecutor would submit that the petitioner indulging in engaging JCB and loading the sand in the lorries and in that process, he has loaded the sand in the above mentioned lorry by collecting an amount of Rs.13,000/-.

5. The point for determination is:

Whether the request of the petitioner-A.1 can be considered?

6. As per the prosecution case, the petitioner-A.1 is the person, who has been indulging in loading sand in the lorries by collecting an amount of Rs.13,000/- for each lorry with the help of JCB. He is made an accused in this case pursuant to confession made by accused Nos.2 and 3. The contention that the JCB was not seized is a premature. The allegations and the confession made against the petitioner/A.1 require investigation. Continuation of the investigation is not abuse of process of law. The truth or otherwise of the allegations would be determined in the investigation only. The criminal petition is devoid of merits and it is liable to be dismissed.

7. In the result, the Criminal Petition is dismissed. Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

Dr. SHAMEEM AKTHER, J

Date: 07.03.2018
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