

HONOURABLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No.3870 OF 2018

ORDER.

This Criminal Petition is filed under Section 482 Cr.P.C. by the petitioner/A.9 seeking to quash the proceedings against them in C.C.No.285 of 2016 on the file of III Additional Judicial Magistrate of First Class, Kakinada, East Godavari District, which was taken cognizance for the offences under Sections 407, 420, 379, 411 read with 34 I.P.C. and 6-A and 7 of the Essential Commodities Act,1955 and 3 (ii) r/w 23 (1) of Petroleum Act, 1934.

The allegations in brief are that the Consumer petrol/Diesel pump having Form-“B” licence No.3/2005 (IOC) issued vide VS/CS/62/2005 dated 12-2-2005 by the Joint Collector, East Godavari District, Kakinada and the said Consumer petrol/Diesel pump is being run under the name and style of M/s.Costal Farmers Welfare Association, Pedapudi and drawing diesel from Indian Oil Corporation.

The Inspector of Police, Kakinada Rural Police Station on information that oil being illegally smuggled by maintaining underground oil storage, seized one Oil Tanker and 3000 liters of diesel. After completion of investigation, Charge Sheet is filed.

Petitioner/A.9 is said to be the owner of M/s.Vijayalakshmi Transport, Visakhapatnam and he is also arrayed as part of the offence.

Having regard to the gravity of the offence and prima facie accusation found in the Charge Sheet and as the case is now coming up for framing of charges, this Court considers it not apposite to quash the proceedings.

However, considering the request of the learned counsel for the petitioner/A.9, the attendance of petitioner/A.9 in C.C.No.285 of 2016 on the file of III Additional Judicial Magistrate of First Class, Kakinada, East Godavari District is dispensed with except on the occasions when the trial court requires his attendance.

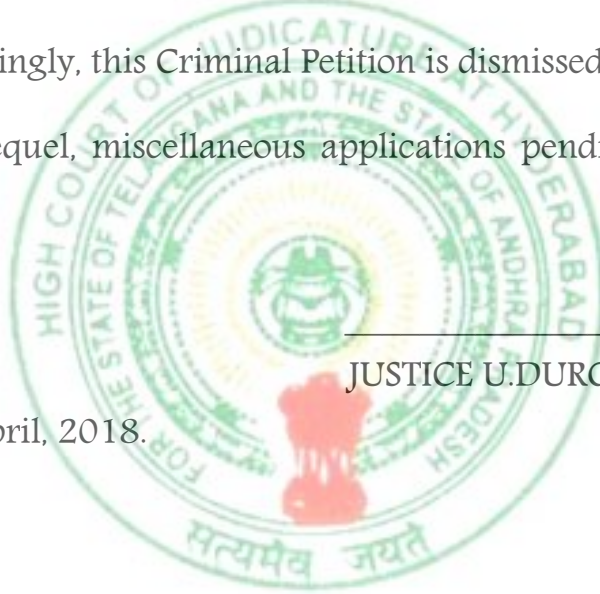
Accordingly, this Criminal Petition is dismissed.

As a sequel, miscellaneous applications pending if any, shall stand closed.

JUSTICE U.DURGA PRASAD RAO

Dated 26th April, 2018.

Dvs



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