

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.8741 of 2018

ORDER :

The petitioner is A.2 of C.C.No.351 of 2016 pending on the file of the Judicial First Class Magistrate, Rayadurg, Anantapuram District, out come of the report of the 2nd respondent-G.Mahaboob Peera, Electrical Engineer, Rayadurg Mandal.

2. While the petitioner was executing a railway contract works, the cable of the Electricity Department of APSPDCL, Rayadurg, was damaged and in fact the same was rectified and a letter was addressed by the A.E. Operation, APCPDCL, to the Station House Officer, Raydurg, stating that the case registered against the Contractor of Railways for damage of 33 KV UG cable at Bommakkapalli, in the due course, the railway authorities rectified the damaged cable temporarily and restored supply normally and promised to change the damaged cable with new cable by getting approval from the higher authorities and consequently letter was addressed by the Deputy Chief Electrical Engineer (Construction), South Western Railway, Bangalore, to the Superintendent Engineer (Electrical), APSPDCL, Anantapuram, stating that the Railway agreed to replace the damaged 33 KV UG cable with new one at Km 197/900 at Bommakkapalli, the railway authorities provided two runs of New 400 sq. mm 33 KV HTUG cable in addition to existing cable on 04.08.2017, and the work is completed, hence, as mutually agreed to withdraw the case.

3. Once that was understanding including from the letter of A.E. Operation, APCPDCL, to the Station House Officer, Rayadurg and subsequently new cable wire restored having been provided as supposed to withdraw from the restorative justice rendered and the continuation of proceedings without the withdrawal even earlier A.E. Operation addressed letter to the Station House Officer for withdrawal referred supra, is nothing but unjust and continuation of proceedings is abuse of process, even 2nd respondent served failed to attend.

4. Having regard to the above, the criminal petition is allowed quashing the proceedings so far as the petitioner/A.2 in C.C.No.351 of 2016 on the file of the Judicial First Class Magistrate, Rayadurg, Anantapuram District. The bail bonds of the petitioner/A.2 shall stand cancelled.

Miscellaneous petitions pending, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

5th November 2018.

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