

HON'BLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.8834 of 2018

ORDER:

The petitioner is accused No.16 of C.C.No.535 of 2017 on the file of Additional Judicial Magistrate of First Class, Kadiri, Anantapur District, taken cognizance for the offences punishable under Sections 120-B, 379, 147, 148 r/w 149 IPC and Section 25(1-B)(a) of Indian Arms Act, Section 35 of WALTA Act r/w Rule 26 of AP WALTA Rules.

The petitioner as A.16 besides one C.Ramesh Reddy as A.15 were arrayed during investigation from the statements of LWs.7 & 8. This Court in CrI.P.No.6781 of 2015 & 7201 of 2017 by common order in relation to the accused where said Ramesh Reddy was A.1-1st petitioner in that crime No.132 of 2015 of Madanapalle Taluk PS (originally No.47 of 2015 of Tanakal PS), observed that taking of cognizance from the statements of LWs.7 & 8 respectively against A.15 & A.16 is not sustainable and quashed the cognizance order so far as A.15-Ramesh Reddy concerned with the observations that if at all during trial in evidence if anything of any of their complicity forth come from the prosecution witnesses, liberty is left open to include them as co-accused under Section 319 Cr.P.C.

Same analogy equally applies to the petitioner-A.16 from the same footing of the facts.

Having regard to the above and in view of the order of this Court dated 01.11.2017 in CrI.P.Nos.6781 of 2015 & 7201 of 2017, this Criminal Petition is allowed by quashing the proceedings against the petitioner-A.16-N.Naga Bhushanam in C.C.No.535 of 2017 on the file of Additional Judicial First Class Magistrate, Kadiri, Anantapur District, however by giving liberty to the extent that in the event during trial any material available from evidence about the complicity of the petitioner to include him as co-accused therefrom as per Section 319 Cr.P.C.

Miscellaneous petitions, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date: 02.11.2018
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