

SMT JUSTICE T.RAJANI

CRIMINAL PETITION No.12356 2011

ORDER:

1. This Criminal Petition, under Section 482 of Cr.P.C., is filed by the Petitioner/Accused seeking to quash the proceedings in Crime No.243 of 2011, on the file of the Station House Officer Rajanagar Police Station, Rajamundry Urban, East Godavari District, registered for the offence punishable under Section 295 R/w.34 of I.P.C.

2. Heard learned counsel for the petitioner and learned Public Prosecutor, appearing for the 2nd respondent – State. None appears on behalf of the 1st respondent/de-facto complainant, in spite of service of notice.

3. Learned counsel for the petitioner submits that, in the complaint lodged by the 1st respondent/*de-facto* complainant, the name of the petitioner does not find place and, subsequently, a statement was recorded from one P. Srinivas, who is a worker under the petitioner, which reveals strange facts about his requesting the petitioner for some loan but the petitioner not giving the said loan. His statement further reads that 15 days prior to recording of his statement, his owner, who is the petitioner herein, took him to Rajamundry and, while returning, he saw the petitioner destroying the Amebdkar Statue and thereafter it is stated that the petitioner requested him not to reveal the matter to any one. But, the said Sriniva, who is in financial crisis and also in a drunken condition, disclosed the same to some S.C. Colony people, who later, reported the matter to the Police and the Police took the petitioner to the Police Station and when the petitioner questioned him as to whether he broke the Amebdkar Statue, Srinivas asserted that the petitioner has broken the statue and later the petitioner himself gave surety to the said Srinivas and brought him out.

4. Hence, considering the above, this Court opines that this is a matter for trial and not a fit case for quash.

5. At this stage, learned counsel requests the Court to dispense with the presence of the petitioner before the trial Court.

6. In view of the above, the trial Court is directed not to insist upon the presence before the Court unless it is required for the proceedings of the case.

7. In the light of the above, the Criminal Petition is dismissed.

8. As a sequel, the miscellaneous petitions, if any pending, shall stand dismissed.

T. RAJANI, J

Date: 26.12.2018.
Dsh



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Date. 26.12.2018

DSH