

HON'BLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.11903 of 2018

ORDER:

The petitioner is shown as one of the accused from the remand report of the disclosure statement of accused Nos.6 to 10 dated 11.10.2018. He was one of the privy in the scandal in pilferage of the oil during transport from the tankers and that was purchased by him for cheap price clandestinely without valid permit or licence and knowing it is the public property. Thereby so far as himself concerned from the allegations which requires investigation attracts the offences under Section 379/411 IPC, 120-B IPC, Section 15(2) of Mineral and Pipelines Act, 1962, Section 3 of PDPP Act, 1984 and Section 7 of Essential Commodities Act, 1955. There is no attracting of the offence under section 25(1) of the Arms Act, 1961 against him.

Having regard to the above, there is nothing to quash the FIR for the investigation is in progress, but for from the above police strictly follow Section 41-A Cr.P.C. in the event of requirement of arrest and also the guidelines of the Apex Court in **Arnesh Kumar v. State of Bihar**¹. All defences are left open in the event of police filing final report.

Accordingly and in the result, this Criminal Petition is disposed of.

¹ (2014 (2) ALT (Gr.) 457 SC)

Miscellaneous petitions, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date: 10.12.2018
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