

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

Criminal Petition No.11924 of 2018

ORDER:

The petitioner is A4 among seven or more accused in C.C.No.84 of 2017 on the file of the learned I Additional Junior Civil Judge, Gurajala, Guntur District, taken cognizance for the offences punishable under Section 379 IPC, Section 21(4) of the Mines and Minerals (Development and Regulation) Act, 1957, Section 3 of the Prevention of Damage to Public Property Act, 1984 and Section 25 r/w 37 of the A.P. Water, Land and Trees Act, 2002. The petitioner is seeking to quash the said cognizance proceedings of the learned Magistrate from the police report, outcome of Crime No.152 of 2016 of Dachepalli Police Station dated 22.07.2016.

2. Heard the learned counsel for petitioner and the learned Additional Public Prosecutor representing the respondent-State and perused the entire material on record, but for from the bar for the offence under Section 21(4) of the Mines and Minerals (Development and Regulation) Act, 1957, so far as other offences are concerned to register the crime, investigate and file the final report and to take cognizance sustainable that too when there are sustainable accusations, there is nothing to quash the cognizance order, but for left open all the defences during trial.

3. Accordingly and in the result, this Criminal Petition is disposed of. So far as the inconvenience expressed for the day-to-day trial is

concerned, liberty is given to the petitioner-A4 along with other accused to file application under Rule 37 of the Criminal Rules of Practice or Section 205 Cr.P.C. to decide on own merits.

Miscellaneous petitions pending, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

05.12.2018
MVA

