

HONOURABLE DR. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.3113 of 2016

ORDER:

The petitioner D.Sreenu @ J.Srinivas employee in Government Printing Press, Saidabad, is accused No.9 in SC.No.189 of 2013 on the file of learned I Additional Metropolitan Sessions Judge, Nampally. The 2nd respondent is M.V.Amreeth business man of Amberpet is the defacto complainant. The SC is outcome of committal proceedings of the learned committal Magistrate in PRC.No.21 of 2011 that was outcome of crime No.453 of 2009 of Amberpet PS registered for the offences punishable under Sections 307, 324, 120-B r/w 34 IPC and Section 25(1)(A) of Arms Act.

2. Before coming to the quash petition contentions, the petition averments of the crime registered shows that the complainant got some property dispute with one K.Anand Kumar-A1 in relation to premises No.2-2-1130/15/B of Shivam Road, Nallakunta and Ch. Sailaja of Bandlaguda and in this regard above persons attacked the defacto complainant on the site which is covered by crime No.102 of 2009 of Nallakunta PS against Anand Kumar and his brother, defacto complainant later received threatening calls and one Yellaiah Madiga of MRPS threatened over phone to settle the issue else to eliminate the defacto complainant and defacto complainant stated further that on 15.09.2009 at about 22.30 hours his cousin brother MV Raja Rao student of New Nallakunta visited his house to discuss regarding civil exams he was attending and at that time when his cousin brother was about to go back to home, his mother told him to put his Maruti Car AP-

11-P-588 inside the house upon which his cousin brother Raja Rao went down with his mother and opened the car door meantime he heard some he and cry of his mother from ground floor and then he rushed to the spot where found 3 people attacking his brother, he shouted and ran towards them and immediately they hit him with hard object and started running therefrom and even he tried to chase them up to some distance he cannot catch him and he returned to his cousin brother Raja Rao and surprised to notice that he was lying in pool of blood with stab injuries and when he inquired Raja Rao told that the 3 people stabbed with knife on his hand, chest and face and he shifted the injured Raja Rao to Life Hospital where he was admitted and he is suspecting Anand Kumar and others responsible for the incident. In the course of investigation by LW.19 among 19 witnesses cited which include LWs.16 to 19 IO and the persons assisted him in investigation of the case and filing of the charge sheet from registration of the crime besides LWs.14 & 15 Doctors of Apollo Hospital and Life Hospital who treated the injured and gave opinion and the 2 injured LWs.1 & 2-MV Amreeth and MV Raja Rao, LWs.3 to 5 eye witnesses, LWs.6 & 7 witnesses to the scene observation and seizure panchanama, LWs.8 to 13 witnesses to the confession and disclosure statements of accused Nos.2 to 6 respectively, the final report filed disclosing the statements of LWs.1 & 2 corroborating with each other as to the manner of occurrence and motive and near the house of LW.1, the IO found white colour Maruti car No.AP-11-H-1329 which belongs to A2-Krishna Sravan and seized the same after photographed the scene digitally and after arrest of A2 when questioned he made a disclosure of his association with

other accused in commission of the offence also by saying he sold the knife at his house that was seized from said disclosure and he identified the other accused involved in the crime as A.5 & A.6 and they made similar disclosure when questioned of their complicity to the crime and seized knife used by A.6 from the disclosure under cover of panchanama and found A3 engaged them in commission of the crime by hiring their services for Rs.20,000/- & Rs.40,000/- respectively and they along with A.3, A.4, A.7 & A.8 in the car of A.2 went to the house of defacto complainant in execution of plan as per the privy and after attack managed to escape on the instructions of A.3 and went to the house of A2 at Bandlaguda and informed A.1 and A.2 of how they implemented the plan and from their showing A2 also disclosed the knife used that was kept with A2 and the disclosure statement of A3 also correlates from seizure of talwar on his disclosure so also of A4 of knife he thrown at the bushes near graveyard Harraspenta which he rushed near Kachiguda shown and seized and so far as the petitioner/A9 concerned, he obtained by filing quash petition order not to arrest and the investigation consequent to the above from the final report shows of all privy including the petitioner/A9 in preparing the nefarious plan in making the attack in the attempt on LW.2 & LW.1 by all came to the place of LW.1 supra to implement the pre-plan in connection with the property dispute from those hiring the services of them.

3. Once such is the case, coming to the contentions in the quash petition of police mechanically filing the charge sheet without even basis without even any sustainable accusation much less to say A.9 is also one of the persons hired the services by A3

for A1 and A2 is untenable no way tenable but for if at all no grounds to frame a charge to seek for discharge with part-II case diary that required to be filed.

4. Heard both sides and perused the material on record.

5. From the above, coming to the reliance how far on the confession statements filed of the respective arrested accused supra, particularly of A3, it shows from his disclosure of 2 years back he came in contact with the petitioner-A9 Doll Sreenu working in Government Printing Press and they used to consume liquor and in those sitting a month back said A9 informed A3 that he took a contract of murder of Amreeth-LW.1 of Amberpet for Rs.6,00,000/- from one Anand Kumar of New Nallakunta-A1 and Anand Kumar and Krishna Sravan got disputes with Amreeth with regard to property at Nallakunta and to implement the same the deal was fixed for Rs.4,00,000/- of which they gave advance of Rs.2,00,000/- with promise to pay remaining after execution of the plan and after 2 days A.9 arranged Maruti car which is in the name of Krishna Sravan-A2 for the accused to travel to implement the murder plan by engaged the other accused.

6. Having regard to the above and in the result, this Criminal Petition is dismissed by left open all defence for no grounds to quash the proceedings.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 18.03.2019
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