

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.1033 OF 2022****ORDER:**

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') by the petitioner-Accused No.5 to quash the proceedings in S.C.No.120 of 2020 on the file of VIII Additional District & Sessions Judge at Miryalguda for the alleged offences under Sections 120-B, 302 read with 34 of Indian Penal Code.

2. Heard learned counsel for the petitioner – accused No.5 and learned Additional Public Prosecutor for the respondent – State. Perused the record.

3. The Nalgonda Police filed F.I.R.No.309 of 2007, dated 17.10.2007 for the offences of murder. The Crime was registered as SC.No.309 of 2007. Pursuant to the investigation, the police filed chargesheet against accused Nos.1 to 4. However, on the basis of a direction for further investigation, subsequently, chargesheet was filed against this petitioner arraying him as accused No.5. The case against accused Nos.1

to 4 was numbered as S.C.No.302 of 2010. Meanwhile, the revision petition was filed vide CR.RC.No.1989 of 2015 by the petitioner, questioning the cognizance order passed by the learned Judicial First Class Magistrate, Miryalaguda, Nalgonda District in PRC.No.43 of 2015.

4. This Court by order dated 15.09.2015 has directed the interim stay of proceedings against this petitioner – accused No.5. Meanwhile, the sessions court proceeded against accused Nos.1 to 4 and by order dated 16.08.2017 acquitted all the accused on the ground of witnesses turning hostile and also on ground that the circumstances were not proved by the prosecution. The state has not preferred any appeal against the acquittal.

5. This Court while adjudicating CR.RC.No.1989 of 2015 by order dated 15.11.2019 closed the criminal revision case granting liberty to the petitioner to file a petition under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.')

6. Since, the trial court has examined witnesses and found that accused Nos.1 to 4 were not responsible for causing the death and the prosecution was not able to make out a case to

prove the charges against accused Nos.1 to 4, no useful purpose would be served, if the proceedings against this petitioner – accused No.5 are allowed to go on in S.C.No.120 of 2020.

7. Since, the trial court has already found that accused Nos.1 to 4 were not involved for the offence of murder and accused No.5 was also present along with accused Nos.1 to 4, this Court deems it appropriate to quash the proceedings in S.C.No.120 of 2020 against the petitioner – accused No.5.

8. Accordingly, the Criminal Petition is allowed quashing the criminal proceedings.

Miscellaneous applications pending, if any, shall stand closed.

Date: 21.02.2023
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