

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

MONDAY, THE TWENTIETH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY THREE

**: PRESENT :
THE HONOURABLE SRI JUSTICE K.SURENDER**

CRIMINAL PETITION NO: 4811 OF 2018

BETWEEN:

Pasupuleti Reddappa, S/o. Venkatesh, Aged about 51 years, Occ. A.P.S.R.T.C.,
Controller, R/o. Madanapalle Town 136 Mandal, Chittoor District,

... **Petitioner/Accused No.5**

AND

1. The State Of Telangana, Rep. by its Public Prosecutor, High court of
Judicature at Hyderabad For the State of Telangana and the State of Andhra
Pradesh.
2. Maloth Jamla, R/o. Mallupalli Village, Konijerla Mandal, Khammam District

... **Respondents/De-facto Complainant**

Petition under Section 482 of Cr.P.C, praying that in the circumstances stated
in the affidavit filed in support of the Criminal Petition, the High Court may be
pleased to quash the Proceedings Ia CC in 476 of 2017 on the file of the III
Additional Judicial Magistrate of First class at Khammam.

IA NO: 1 OF 2018

Petition under Section 482 of Cr.P.C praying that in the circumstances stated
in the affidavit filed in support of the petition, the High Court may be pleased to stay
all further proceedings including APPEARANCE the petitioner herein in CC No. 476
of 2017 on the file of the Court of the III Additional Judicial Magistrate of First Class
at Khammam, Khammam District.

The petition coming on for hearing, upon perusing the Petition and the
affidavit filed in support thereof and upon hearing the arguments of Sri, Guttapalem
Vijaya Kumar, Advocate for the Petitioner, the Public Prosecutor for the Respondent.
No.1 and None appeared for the respondent no.2.

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No. 4811 OF 2018

ORDER:

The Criminal Petition is filed under Section 482 of the Code of Criminal Procedure (for short Cr.P.C.) by the petitioner/Accused No.5 to quash the proceedings in C.C.No.476 of 2017 on the file of the III Additional Judicial Magistrate of First Class at Khammam, registered for the offences under Sections 420 r/w 120-B of Indian Penal Code and Sections 19(a) and 21 of Seeds Act, 1966.

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor appearing for the respondent-State and perused the record.
3. The petition is filed seeking to quash the proceedings against the petitioner/accused No.5, who is arrayed as Accused No.5 for the offences under Sections 420 r/w 120-B of Indian Penal Code and sections 19(a) and 21 of Seeds Act, 1966.
4. This complaint was filed on the basis of the statement of the farmers stating that this petitioner along with others have induced

the farmers into buying spurious seeds. The said seeds were purchased, resulting in heavy losses to the farmers.

5. Learned counsel for the petitioner would submit that petitioner is controller in APSRTC and it cannot be said that he has anything to do with inducing of the other accused for selling seeds.

6. The case is circumstantial in nature and when it is specifically stated by the farmers that this petitioner was also one of the person, who had gone to the village and induced the farmers to buy spurious seeds, this Court under Section 482 Cr.P.C cannot decide the defence of the petitioner that he was not present along with the other accused. Nor the defence taken by the petitioner that he was only a partner and he has nothing to do with the affairs of the selling seeds. All the said aspects of the defence can be agitated before the trial Court.

7. The attendance of the petitioner- Accused No.5 is dispensed with subject to filing an affidavit by the petitioner stating that in his absence, the proceedings conducted by their counsel will not be disputed by him in any manner and shall not dispute his identity

also. However, the petitioner-Accused No.5 shall appear before the learned Magistrate as and when his presence is required. In the event of failure of the petitioner to appear when the Court directs, this order dispensing with his attendance shall stand cancelled.

8. Accordingly, the Criminal Petition is disposed off. Needless to say, in the event of the petitioner filing an application seeking discharge if charges are not framed, the concerned Court shall dispose it of on merits within a period of four (04) weeks.

Miscellaneous applications pending, if any, shall stand closed.

**SD- V.HARI PRASAD
ASSISTANT REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To,

1. The III Additional Judicial Magistrate of First Class, Khammam.
2. The Station House Officer, Konijerla Police Station, Khammam.
3. One CC to SRI. GUTTAPALEM VIJAYA KUMAR, Advocate [OPUC]
4. Two CCs to The Public Prosecutor, High Court for the State of Telangana. [OUT].
5. Two CD Copies.

YJR

KMS

HIGH COURT

KS, J

DATED: 20/11/2023

ORDER

CRLP.No.4811 of 2018



**DISPOSING OF
THE CRIMINAL PETITION**

⑧ VLB
21/1/24