
(2014) 06 AP CK 0001

In the Andhra Pradesh High Court

Case No : Criminal Petition No. 3194 of 2014

Nyathari Babu

APPELLANT

Vs

The State of A.P.

RESPONDENT

Date of Decision : 03-06-2014

Acts Referred:

Citation : (2015) 1 ALD(Cri) 587 : (2015) 3 ALT(Cri) 389

Hon'ble Judges : K.G. Shankar, J

Bench : Single Bench

Advocate : V.V. Ramana Rao, Advocate for the Appellant

Final Decision : Allowed

Judgement

Dr. K.G. Shankar, J.—The petitioner is A.3. He seeks for quashment of P.R.C. No. 14 of 2012 on the file of the Judicial First Class Magistrate, Vemulawada, Karimnagar District in Crime No. 122 of 2011 on the file of the Gangadhara Police Station, Karimnagar District.

2. The petitioner along with 5 other accused were charge sheeted. As the petitioner was absconding, case against him was split up and case was proceeded against rest of the accused as S.C. No. 204 of 2012 on the file of the Assistant Sessions Judge, Siricilla. The prosecution examined 5 witnesses. All the 5 witnesses turned hostile and did not support the prosecution story. After recording their evidence, the learned Assistant Sessions Judge acquitted A.1, A.2 and A.4 to A.6, who faced trial in S.C. No. 204 of 2014.

3. The petitioner now seeks for quashment so far as the petitioner/A. 3 is concerned. The learned counsel for the petitioner placed reliance upon Thallapalli Rajaiah v. State of A.P. 2000 (1) ALT (Crl.) 174 (A.P.). In that case, case against one of the accused was split up. The other accused were tried and were acquitted by the Sessions Court. None of the eye witnesses supported the prosecution case. The witnesses could not identify any of the culprits. Holding that there is no scope for conviction of A. 7 who was the petitioner in that case, a learned single

Judge held that the proceedings in P.R.C. deserve to be quashed and quashed the same accordingly.

4. In the present case, where all the five material witnesses, who were examined before the learned Assistant Sessions Judge, Siricilla, turned hostile and did not support the prosecution story, there is no possibility of the present petitioner/A. 3 being convicted. I, therefore, agree with the contention of the learned counsel for the petitioner that P.R.C. No. 14 of 2012 so far as petitioner/A.3 is concerned is liable to be quashed.

5. Accordingly, the Criminal Petition is allowed. P.R.C. No. 14 of 2012 so far as petitioner/A.3 is concerned is hereby quashed. Miscellaneous Petitions, if any pending in this Criminal Petition, shall stand closed.