

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.6289 of 2015

ORDER :

This criminal petition is filed by the petitioner/accused under Section 482 Cr.P.C to quash the proceedings in PRC No.11 of 2015 on the file of III Metropolitan Magistrate, Visakhapatnam for the offences punishable under Sections 376, 417 and 420 IPC.

Heard.

At this stage, learned counsel for the petitioner/accused wants to withdraw the same and seeks a direction to the learned Magistrate where PRC No.11 of 2015 is pending to commit to the Court of Sessions, as it is almost a post office duty subject to the formalities contemplated by clauses A to D under Section 209 Cr.P.C. so as to assign the sessions case number and expeditiously hear on charges, so as to enable him to file an application under Section 227 Cr.P.C. before the learned Sessions Judge in saying there are no grounds to frame charge particularly for the offence under Section 376 IPC, leave about the other penal consequences.

Accordingly, permission is accorded. It is needless to say that as the petitioner wants expeditious trial and disposal of the case, the learned Sessions Judge in such an event of framing charges under Section 228 Cr.P.C. if any, take up the trial day to day as per the letter and spirit of Section 309 Cr.P.C.

Having regard to the above, the Criminal Petition is disposed of as withdrawn with above observations. As a sequel, miscellaneous petitions pending, if any, in this criminal petition shall stand closed.

Dr. B. SIVA SANKARA RAO, J

July 10th, 2015
ssp