

THE HONOURABLE Dr.JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.3997 of 2015

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C by the petitioner/accused to quash all the proceedings in C.C.No.294 of 2014 on the file of III Additional Chief Metropolitan Magistrate, Gajuwaka, Visakhapatnam.

2 . Heard the learned counsel for petitioner-accused as well as the second respondent- State representing through the Public Prosecutor before ordering any notice to the first respondent/ *de facto* complainant before admission and perused the material on record.

3. The material falls short even to admit the application under Section 482 Cr.P.C. but for the factual matrix otherwise enable the petitioner's entitlement to the bail. Thereby the petition is disposed of with the directions and by giving liberty to the petitioner to approach the trial Court under Section 239 Cr.P.C. either by filing application or by oral admissions before hearing on charges and before framing of charges under Section 240 Cr.P.C. to decide on own merits. Needless to say if the petitioner moves any application or memo before the trial Court as claiming that A.1 and A.2 are in abscondence, the Magistrate prefer the matter under Section 317(2) Cr.P.C. and split up the case against A.1 and A.2 and proceed against A.3 as the petitioner herein along with others if any.

4. Consequently, miscellaneous petitions, if any, pending in this petition, shall stand disposed of.

Dr. B.SIVA SANKARA RAO J,

Date:5th June, 2015

PNV