

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.9165 of 2015

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ORDER:

This Criminal Petition is filed by the Petitioners/Accused Nos.1, 3 and 4 under Section 482 Cr.P.C. seeking to quash the proceedings in C.C. No.98 of 2013 on the file of Additional Junior Civil Judge, Mangalagiri, Guntur District, where the learned Magistrate has taken cognizance for the offences punishable under Section 7(1) of the Essential Commodities Act, 1955.

2. Heard the learned counsel for the petitioners/accused Nos.1, 3 and 4 and the 1st respondent-State represented by the Public Prosecutor before admission and before issuing notice to the 2nd respondent and perused the material on record.

3. A perusal of the material on record, the material falls short of this Court even to admit the application under Section 482 Cr.P.C to quash the proceedings but for giving liberty to the petitioners to file an application under Section 239 Cr.P.C. before the learned Magistrate concerned to hear and decide the same on its own merits whether there are any grounds for discharge or to frame any lesser charge or the like vide ***State of Orissa V. Debendranath Padhi***. Needless to say the petitioners are given liberty to file an application under Rule 37 of Criminal Rules of Practice to represent by any one of the accused on behalf of all the accused and the learned Magistrate after hearing shall consider and allow the same with necessary conditions.

4 .With the above observations, this Criminal Petition is disposed of. As a sequel, miscellaneous petitions pending, if any, in this criminal petition shall stand closed.

Dr. B. SIVA SANKARA RAO, J

07.10.2015

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