

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.4999 of 2015

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ORDER :

This Criminal Petition is filed by the Petitioner/ accused No.3 under Section 482 Cr.P.C seeking to quash the proceedings in PRC No.108 of 2014 on the file of the Court of the XI Metropolitan Magistrate, Kukatpally, at Miyapur, Cyberabad, registered for the offences punishable under Sections 3, 4, 5, 6 PITA Act, 370 (A) Criminal Law Amendment Act, 2013.

2) Heard learned counsel for the petitioner/ accused No.3 as well as learned public prosecutor representing for respondent—State before admission. The de facto complainant was not arrayed to the petition as co-respondent. Perused the material on record.

3) It is the submission made by learned XI Metropolitan Magistrate, Kukatpally, Cyberabad to the Court of Sessions.

4) Having regard to the above, liberty is given to the petitioners to approach the learned Court of Sessions by filing an application under Section 227 Cr.P.C for any grounds for discharge to hear and consider on own merits only from the prosecution material as laid down by the Apex Court ***State of Orissa vs. Debendra Nath Padhi***. Needless to say the trial Court shall consider one of the accused on behalf of three accused on filing the petition under Rule 37 of Criminal Rules of Practice, with necessary conditions. However, it is left open to the petitioner in such event of framing of charges to impugn the same in appropriate forum.

5) Accordingly, the Criminal Petition is disposed of.

6) Miscellaneous petitions, if any pending, shall stand closed.

Dt.17.06.2015

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HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

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