

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.5099 of 2015

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ORDER :

This criminal petition is filed by the petitioner/A.1 under Section 482 Cr.P.C seeking to call for the records relating to C.C.No.646 of 2012 on the file of the XX Metropolitan Magistrate, Cyberabad, Malkajgiri.

2. Heard the learned counsel for the petitioner as well as the 1st respondent-State represented by the Public Prosecutor before admission and before ordering any notice to the 2nd respondent and perused the material on record.

3. The petitioner is A.1 and his address is shown as staying U.S.A. was also that of the 2nd respondent, no other than a divorced wife of him, allegedly at American Court by settlement of claims. This is undisputedly a split up case separated from original C.C.No.567 of 2014 that was continued against A.2 and A.3, no other than the parents of the petitioner. This petition is filed without special Vakalat even without memo of appearance or Vakalat of the petitioner, but claiming as that of the father, not even the General Power of Attorney Holder, for its maintaining. It is the submission that C.C.No.567 of 2014 ended in acquittal after full fledged trial so far as parents-in-law of the de facto complainant-2nd respondent herein and parents of the petitioner and C.C.No.646 of 2012

there by to be quashed. He being husband of *de facto* complainant cannot be equated with his other family members faced accusation. Having regard to the above, remedy is given to the petitioner instead come all the way to the risk of his job to face trial by personal appearance; cause represent through Special Vakalat by filing application under Section 205 Cr.P.C. including to recall the pending warrant and to execute bond under Section 88 or 89 Cr.P.C. through the Special Vakalat Holder for due appearance and representation. Needless to say, the Special Vakalat Holder can answer on behalf of the petitioner/A.1 not only on the charges if said to be framed, if not, discharged under Section 239 read with 240 Cr.P.C. but also for any incriminating evidence of prosecution under Section 313 Cr.P.C. and cause adduce defence evidence, if any, and only to appear for pronouncement of judgment, unless discharged or acquitted meanwhile if any prosecution evidence to answer in Section 313 Cr.P.C. examination.

4. Having regard to the above, the criminal petition is disposed of undertaking the remedies thereunder.

5. Miscellaneous petitions pending, if any, shall stand dismissed.

Dr. B. SIVA SANKARA RAO, J

22nd June 2015.

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