

THE HONOURABLE Dr.JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.3765 of 2015

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C by the petitioner/accused No.2 to quash the order dated 09.02.2015 in C.C.No.108 of 2015 on the file of II Additional Judicial First Class Magistrate, Rajahmundry, East Godavari District.

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

3 . As the material falls short even to admit the application under Section 482 Cr.P.C., the petition is disposed of giving liberty to the petitioner to approach the learned Magistrate concerned under Section 239 r/w Section 240 Cr.P.C. either with written application or oral submission while hearing on charges to decide on merits for any entitlement to discharge. The trial Court is directed to permit one of the accused to represent the others in the event of their filing an application under Rule 37 of the Criminal Rules of Practice and Circular orders.

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

Dr. B.SIVA SANKARA RAO J,

Date:2nd June, 2015

PNV