

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.6429 OF 2015

ORDER:

This Criminal Petition is filed by the petitioners under Section 482 Cr.P.C seeking to quash the proceedings in C.C.No.42 of 2014 on the file of V Additional Judicial First Class Magistrate, Tirupati, where the learned Magistrate has taken cognizance for the offence punishable under Sections 323, 447, 365, 511 r/w 34 I.P.C.

Heard the learned counsel for the petitioners and the learned Public Prosecutor (A.P.) for the State before notice to respondent No.2 and before admission. Perused the material on record.

On perusal of the material on record, as it falls short to admit the application under Section 482 Cr.P.C for no Part-II Case Diary is enclosed, this application is disposed of giving liberty to the petitioners to approach the learned Magistrate concerned by filing an application under Section 239 Cr.P.C if there are no grounds to frame charges under Section 240 Cr.P.C. Needless to say, from the prosecution material the learned Magistrate shall decide the discharge application under section 239 Cr.P.C. r/w 240 Cr.P.C vide **State of Orissa v. Debendranath Padhi**^[1]. Needless to say, if any application is filed to represent

one accused on behalf of other accused under Rule 37 of Criminal Rules of Practice, the learned Magistrate shall hear and permit with necessary conditions. If any charges are framed,

further remedy is left open to the petitioners.

Accordingly, this criminal petition is disposed of.

Miscellaneous petitions pending if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date: 21-07-2015
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**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

CRIMINAL PETITION No.6429 OF 2015

Between:

B.V.S.Rama Rao and two others

... Petitioners

and

The State of A.P, rep., by Public Prosecutor and another

... Respondents

DATE OF JUDGEMENT PRONOUNCED: 21-07-2015

SUBMITTED FOR APPROVAL:

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

1. Whether Reporters of Local newspapers
may be allowed to see the Judgment?

Yes/No

2.

Whether the copies of judgment may be
marked to Law Reporters/Journals?

Yes/No
Yes/No
3.

Whether Their Ladyship/Lordship wish
to see the fair copy of the Judgment?

Yes/No
Yes/No

[\[1\]](#) (2005)1 SCC 568