

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.5939 OF 2015

ORDER:

This Criminal Petition is filed by the petitioner under Section 482 Cr.P.C seeking to quash the proceedings in C.C.No.236 of 2015 on the file of Judicial First Class Magistrate, Kalyandurg, Anantapur District, where the learned Magistrate has taken cognizance for the offence punishable under Sections 403, 415, 427, 188 I.P.C. and Section 156(3) Cr.P.C.

Heard the learned counsel for the petitioner and the learned Public Prosecutor (Andhra Pradesh) for the State before notice to respondent No.2 and before admission. Perused the material on record.

It is fairly conceded about Section 188 I.P.C. covered Section 195(1)(a) Cr.P.C of only maintain a private complaint and police have no right to take cognizance by virtue of bar under Section 155 Cr.P.C. but for to follow the procedure under Section 155(2) Cr.P.C. and the offence under Section 188 I.P.C. taken cognizance case.

So far as other aspects are concerned, as the material falls short for this Court to admit the application under Section 482 Cr.P.C. the remedy is left open to the petitioner to raise before the trial Court by filing an application under Section 239 Cr.P.C. if no grounds to frame charge. Needless to say in the event of

framing of any charge from any of the penal sections, then remedy is left open to the petitioner, who is a public servant working as a teacher in a school and it is difficult to attend

personally for the adjournments to the Court at far away place, liberty is given to file application under Section 205 Cr.P.C. before the learned Magistrate and the learned Magistrate after hearing pass appropriate orders permitting to represent through special vakalat holder with necessary conditions of appearance, as and when required.

Accordingly, this criminal petition is disposed of.

Miscellaneous petitions pending if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date: 16-07-2015

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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.5939 OF 2015

Between:

Bestha Ramachandra

... Petitioner

and

The State of Andhra Pradesh, rep., by Public Prosecutor and
another

... Respondents

DATE OF JUDGEMENT PRONOUNCED: 16-07-2015

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