

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION Nos.6633 and 6819 OF 2015

ORDER:

The Criminal Petitions 6633 and 6819 of 2015 are filed by A2 to A4 and A1, respectively under Section 482 Cr.P.C seeking to quash the proceedings in P.R.C.No.10 of 2015 on the file of Judicial First Class Magistrate, Bodhan, Nizamabad District, in connection with crime No.209 of 2014 of Bodhan Police Station.

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

Initially, the above said crime was registered for the offence punishable under Sections 324, 352, 506 r/w 34 I.P.C. After completion of investigation by the police, the same was altered to Section 307 r/w 34 I.P.C. and there from the learned Magistrate taken cognizance under Section 190 Cr.P.C. to commit the case to the Court of Sessions after complying with the formalities under Section 209 Cr.P.C. and it is at that stage the matter is pending now sought for quashing. Undisputedly, no Part-II Case Diary even filed.

On perusal of the material on record, as it falls short to admit the applications under Section 482 Cr.P.C for no Part-II Case Diary is enclosed, the applications are disposed of with a

direction to the committal Magistrate to commit the case to the Court of Sessions as it is under Section 209 Cr.P.C. almost a post of a duty but for compliance of clauses (a) to (d) and the Sessions Judge shall take cognizance under Section 193 Cr.P.C. and there from giving liberty to the petitioners to file an application if there are no grounds to frame charges under Section 227 Cr.P.C in case of hearing for framing charges under Sections 226 to 228, as laid down in **State of Orissa v. Debendranath Padhi**. 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 Judge shall hear and permit with necessary conditions.

With the above directions and observations, these criminal petitions are disposed of.

Miscellaneous petitions pending if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date: 27-07-2015

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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 Nos.6633 and 6819 OF 2015

Between:

Indadullah Patel @ Sheru and others

... Petitioners

and

The State of Telangana, rep., by Public Prosecutor and another

... Respondents

DATE OF JUDGEMENT PRONOUNCED: 27-07-2015

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 Yes/No
marked to Law Reporters/Journals? Yes/No

3. Whether Their Ladyship/Lordship wish to Yes/No
see the fair copy of the Judgment? Yes/No