

THE HONOURABLE Dr.JUSTICE B.SIVA SANKARA RAO
CRIMINAL PETITION No.237 of 2015

ORDER:

This petition is filed under Section 482 of the Code of Criminal Procedure (for short, 'the CrPC') by the Petitioners-A.1 to A.4 in C.C.No.149 of 2014 on the file of the II Additional Judicial Magistrate of First Class, Bhimavaram, West Godavari District taken cognizance for the offences punishable under Sections 420, 498-A and 354 read with 34 of I.P.C. praying to quash the proceedings in said case.

2. Heard the learned counsel for the petitioners/A.1 to A.4 so also the learned Public Prosecutor representing State-1st respondent before ordering notice to the 2nd respondent/de facto-complainant and perused the material on record.

3. As the material falls short for this Court to admit the application under Section 482 of Cr.P.C. **this Criminal Petition is disposed** of giving liberty to the petitioners to file an application, from there are no grounds to frame charge by the trial Court, before the trial Court under Section 239 of Cr.P.C. to decide the same on its own merits from the entire prosecution material as envisaged by the Apex Court in **State of Orissa Vs. Debendra Nath Pathi**^[1]. Liberty is further given to the petitioners to file application under Rule 37 of Criminal Rules of Practice to represent by one of the accused persons on behalf of all for regular adjournments and the learned Magistrate to permit so unless their personal presence is required for any particular adjournments. Consequently, miscellaneous petitions, if any, pending in this Criminal Petition shall stand closed.

Dr. B.SIVA SANKARA RAO J,

Date: 03.07.2015
Vvr

^[1] (2003) 2 SCC 711]