

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.4192 OF 2015

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ORDER:

This Criminal Petition is filed by the petitioners/A1 to A3 under Section 482 Cr.P.C seeking to quash the proceedings in P.R.C.No.3 of 2015 on the file of Additional Judicial First Class Magistrate, Palakol, West Godavari District.

Heard the learned counsel for the petitioners and the learned Public Prosecutor (Andhra Pradesh) for the State before notice to respondent No.2/*de facto* complainant and before admission.

On perusal of the material on record, as it falls short to admit the application under Section 482 Cr.P.C, this application is disposed of giving liberty to the petitioner at the post committal stage in the event of cognizance by the learned Sessions Judge under Section 193 Cr.P.C. to file an application under Section 227 Cr.P.C. if grounds of discharge by making mention therein to discharge from the prosecution material, as envisaged by the expression of the Apex Court in vide **State of Orissa v. Debendranath Padhi**.

Needless to say as N.B.W. pending at the post cognizance stage issued by the learned Magistrate in the committal pending proceedings the petitioner shall appear before the Magistrate

and file an application under Section 70(2) Cr.P.C. in such an event, the learned Magistrate shall here and allow the application cancelling the warrant and obtain bonds from them under Sections 88, 89 and 209 Cr.P.C. for their due appearance.

Accordingly, this Criminal Petition is disposed of.

Miscellaneous petitions pending if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date: 10-06-2015

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