

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.8190 of 2015

ORDER :

This criminal petition is filed by the petitioners/accused Nos.1 and 2 under Section 482 Cr.P.C to quash the proceedings in Crime No.40 of 2015 of III Town Police Station, Proddatur, Y.S.R. Kadapa District, from the report of 2nd respondent—de facto complainant, registered for the offences punishable under Sections 420, 328, 355 r/w 34 IPC.

2) Heard learned counsel for the petitioners/ accused Nos.1 and 2 as well as 1st respondent—State represented by learned public prosecutor before admission and before ordering notice to 2nd respondent—de facto complainant herein. Perused the material on record.

3) Undisputedly pending investigation, by virtue of the order of this Court dated 30.06.2015 passed in CrI.P. No.5742 of 2015, accused No.2 in Crime No.40 of 2015 obtained anticipatory bail and it is stated that petitioner/ accused No.1 obtained regular bail. However, the learned Magistrate is insisting for their appearance pending investigation instead of dispensing.

4) Needless to say once the accused were enlarged on bail in the crime stage pending investigation, there is no necessity of insisting their presence before the learned Magistrate concerned but for on filing of chargesheet, if at

all, taken cognizance under Section 190 Cr.P.C to commit under Section 209 Cr.P.C for any offence triable by Court of Sessions or any case triable before the learned Magistrate, as the case may be.

5) Having regard to the above, the Criminal Petition is allowed to the extent dispensing with the presence of petitioners/ accused Nos.1 and 2 before the learned Magistrate, by virtue of this order, pending investigation so as to summon them after police filing final report and after taking cognizance by the learned Magistrate. Needless to say, further remedies are left open, in the event of police filing final report and after taking cognizance by the learned Magistrate.

6) Miscellaneous petitions, if any pending, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

08.09.2015
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