

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

-

CRIMINAL PETITION No.5982 OF 2015

ORDER:

This Criminal Petition is filed by the petitioner/A7 under Section 482 Cr.P.C seeking to quash the proceedings in C.C.No.752 of 2007 on the file of III Additional Chief Metropolitan Magistrate at Vijayawada, Krishna District, wherein cognizance was taken for the offence punishable under Sections 420, 468, 471 and 120(b) I.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/*de facto* complainant and before admission.

The petitioner is A7 among the other accused. According to the petitioner, his name is not there in the F.I.R. and during investigation he is alleged for the scene of his purchase property and in turn alienated as if he is a privy to the so called offences. It is the submission that from the final report filed by police showing him in abscondance, the learned Magistrate issued warrant instead of summons.

Having regard to the above and even no Part-II Case Diary filed to admit the application under Section 482 Cr.P.C. to consider any contentions of no basis for the charge sheet to

allow, the application is disposed of giving liberty to file application under Section 239 Cr.P.C. if there are no grounds to frame charge under Section 240 Cr.P.C. for the learned Magistrate to consider after hearing to pass appropriate orders

only from the prosecution material vide **State of Orissa v.**

Debendranath Padhi^[1]. Needless to say if the petitioner appears and files any application for recall of warrant under Section 70(2) by expressing willingness to appear in future and execute bond as contemplated by Section 88/89 Cr.P.C., the learned Magistrate shall recall the warrant and permit him to execute bond as required for his future due appearance.

Accordingly, this Criminal Petition is disposed of.

Miscellaneous petitions pending if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date: 08-07-2015

pab

^[1] (2005)1 SCC 568