

THE HONOURABLE DR. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No. 8223 OF 2015

-

ORDER:

Heard learned counsel for the petitioner/ accused in C.C. No.53 of 2015 on the file of Judicial Magistrate of First Class, Atmakur, Kurnool District, where the learned Magistrate taken cognizance of the offence punishable under Sections 429 and 447 of the Indian Penal Code, 1860 (for short, 'IPC'), which is outcome of the report of the 2nd respondent – de facto complainant, upon which the P.S. Pamulapadu registered a case in Crime No.70 of 2014 and investigated into and filed final report.

Perused the material filed before this Court.

If there are no grounds to frame charge under Section 240 Cr.P.C., the petitioner can file application under Section 239 Cr.P.C. to the learned Magistrate, vide expression of the Apex Court in **State Of Orissa vs Debendra Nath Padhi** (decided on 29 November, 2004).

Learned counsel for the petitioner submits that the petitioner is a lady, she is unable to attend the day to day adjournments.

Having regard to the submission made by learned counsel for the petitioner, the petitioner is at liberty to file application under Section 205 Cr.P.C. to dispense with her presence, after issuing necessary notice to the Assistant Public Prosecutor, and the learned Magistrate after hearing, pass necessary order subject to condition of her personal appearance as and when required.

Accordingly, the criminal petition is disposed of.

Miscellaneous petitions, if any pending in this criminal petition shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Dt.01.10.2015

bv

