

THE HONOURABLE Dr.JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.5775 of 2014

ORDER:

This petition is filed under Section 482 of the Code of Criminal Procedure (for short, 'the CrPC') by the Petitioner-A.1 in C.C.No.1143 of 2004 on the file of the Additional Judicial Magistrate of First Class, Karimnagar District, praying to quash the proceedings in said case.

_2. Heard the learned counsel for the petitioner/A.1 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. It is the submission that there is no basis to maintain the accusation against the petitioner for the offences under Sections 420,409,465,468,471 and 477 and 182 of I.P.C. Undisputedly, the above C.C.is pending at the post-cognizance stage and it is also submitted that charges already framed under Section 240 of Cr.P.C.

4. Having regard to the above, **this Criminal Petition is disposed of** giving liberty to the petitioner if at all the petitioner want to file an application under Section 216 of Cr.P.C. for no grounds to sustain the charges to seek for alternation or deletion of the charges, the learned Magistrate shall consider only from the prosecution material in the event of filing such application to decide the same on own merits uninfluenced by the earlier charges framed and examined from the entire prosecution material as envisaged by the Apex Court in **State of Orissa Vs.**

Debendra Nath Pathi^[1]. The petitioner, including other accused persons, are given liberty further, in the event of such disposal, to approach the Court afresh. The petitioners are at liberty 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.

Date: 02.07.2015
Vvr

Dr. B.SIVA SANKARA RAO J,

[\[1\]](#) (2003) 2 SCC 711]