

**THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO**

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**WRIT PETITION No.25847 of 2015**

**ORDER:**

Heard Sri E.Manohar, learned Senior Counsel for the petitioners, learned Government Pleader for respondent Nos.1 to 4, and Sri G.Seena Kumar for respondent No.5.

The first petitioner is an authorized wholesale kerosene oil dealer, whereas the second petitioner is the owner of the oil tanker bearing No.AP 36 U 0120. The third petitioner is its driver. The fourth petitioner is the owner of oil tanker bearing No.AP 36 W 1212 and the fifth petitioner is its driver. The first respondent passed an order on 28.08.2014 in ECAC No.103 of 2014 against the petitioners and the fifth respondent. Petitioner Nos.2 and 3 filed Criminal Appeal No.120 of 2014, whereas petitioner Nos.4 and 5 filed Criminal Appeal No.121 of 2014 in the Court of the Principal Sessions Judge, Warangal. Petitioner No.1 filed Criminal Appeal No.34 of 2014. However, Criminal Appeal No.93 of 2014 was filed by respondent No.5. When the Counsel for the petitioners filed an application on 21.07.2015 for supply of certified copy of the judgment dated 21.04.2015, it came to light that Criminal Appeal No.93 of 2014 filed by the fifth respondent was disposed of and the names of the petitioners were shown as respondent Nos.5 to 9 in the Criminal Appeal and they were not served with any notices. In those circumstances, challenging the order in Criminal Appeal No.93 of 2014, the petitioners filed the present Writ Petition on the ground of passing the order without serving notices, though the other appeals filed by them are pending in the same Court.

This Court ordered notice before admission, pursuant to which the fifth respondent appeared and expressed no objection for setting aside the order in Criminal Appeal No.93 of 2014 for being heard along with Criminal Appeal Nos.34, 120 and 121 of 2014. Learned Government

Pleader also did not object to the said process.

In the circumstances, the Writ Petition is allowed by setting aside the order in Criminal Appeal No.93 of 2014, dated 21.04.2015, passed by the learned Principal Sessions Judge, Warangal, and remanding the matter to the learned Principal Sessions Judge, Warangal, for considering the said appeal along with the other three appeals filed by the petitioners in accordance with law. The miscellaneous petitions pending in this Writ Petition, if any, shall stand closed. There shall be no order as to costs.

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**(A.RAMALINGESWARA RAO, J)**

07.09.2015

vs