

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.5390 of 2015

ORDER :

This Criminal Petition is filed by the Petitioners under Section 482 Cr.P.C seeking to quash the proceedings in D.V.C No.7 of 2015 on the file of Additional Judicial First Class Magistrate, Medak at Sanga Reddy District under Section 12 of DVC Act.

2) Heard learned counsel for the petitioners and 2nd respondent—State represented by learned public prosecutor before admission and before ordering notice to 1st respondent. Perused the material on record.

3) The application is disposed of as there is no efficacious alternative remedy under Section 29 of DVC Act to maintain the appeal against any order which includes even the order taken under cognizance also with reference to Apex Court's expression and the guidelines covered in ***State of Haryana vs Ch.Bhajan Lal***^[1]. Needless to say, if the petitioners want to face enquiry, the learned Magistrate shall consider in the event of they are filing an application to dispense with their presence as per Section 126 (2) Cr.P.C to proceed with the enquiry in the presence of their advocate, which waive the right of the petitioners for recording the evidence under Section 273 Cr.P.C for any claim in their presence. If the petitioners, along with other

respondents to the DVC proceedings, file an application under Rule 37 Cr.R.P to represent one for the others, the learned Magistrate shall hear and permit one instead of all to attend the Court for regular adjournment but for any personal appearance is required for any particular adjournment of all the respondents to DVC so to direct.

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

Dr. B. SIVA SANKARA RAO, J

Dt.25.06.2015
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Date: 25.06.2015

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[\[1\]](#) AIR 1992 SC 604