

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.7564 of 2015

ORDER :

Sri T.Koteshwara Prasad, learned counsel for the petitioner seeks permission to withdraw the petition. Permission is accorded.

2) Therefore, this petition is dismissed as withdrawn with a liberty to raise any defence before the trial Magistrate by filing an application under Section 239/216 Cr.P.C. if there are no grounds to frame charge under Section 240 Cr.P.C basing on the prosecution material vide ***State of Orissa V. Debendranath Padhi***^[1]. The petitioner/accused is at liberty to file an application under Section 205 Cr.P.C. before the trial Court and in such an event, the learned Magistrate shall consider and permit him with necessary conditions.

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

Dr. B. SIVA SANKARA RAO, J

31.08.2015
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^[1] (2005)1 SCC 568