

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO
CRIMINAL PETITION No.5121 of 2015

ORDER :

This Criminal Petition is filed by the Petitioner/Accused under Section 482 Cr.P.C seeking to quash the proceedings in C.C.No.63 of 2013 on the file of Judicial Magistrate of First Class, Cheepurupalli, Srikakulam District.

Heard counsel for the petitioner and also 1st respondent-State represented by Public Prosecutor, before notice to 2nd respondent and before admission.

As the material falls short to admit the application under Section 482 Cr.P.C to quash the proceedings, the same is disposed of giving liberty to the petitioner if no charges were already framed under Section 240 Cr.P.C. to file an application under Section 239 Cr.P.C before the learned Magistrate concerned to hear and pass appropriate orders on its own merits more particularly from the prosecution case as laid down by the expression of the Apex Court in State of Orissa V. Debendranath Padhi^[1]. If charges are already framed, if there is any material he can file application under Section 216 Cr.P.C. to consider on merits. Needless to say any further remedy need not be mentioned as available, as the petitioner is resident of Rajasthan State and case is pending on the file of Judicial Magistrate of First Class, Cheepurupalli, Srikakulam District and claiming unable to face the ordeal of attending the Court for every adjournment personally, if any application filed under Section 205 Cr.P.C., learned Magistrate shall consider and dispense with presence by representing through special vakalath holder with necessary conditions.

With the above observations, the Criminal Petition is disposed of. As a sequel, miscellaneous petitions pending, if any, in this criminal petition shall stand closed.

Dr. B. SIVA SANKARA RAO, J

23.06.2015

nvl

[\[1\]](#) (2005)1 SCC 568