

**HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO**  
**CRIMINAL PETITION No.5474 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.481 of 2014 on the file of

IV Additional Chief Metropolitan Magistrate, Hyderabad, where cognizance was taken for the offence punishable under Section 337 I.P.C.

Heard the learned counsel for the petitioner and the learned Public Prosecutor appearing for the State, before notice to respondent No.2/*de facto* complainant and before admission.

Perused the material on record. The material on record falls short for this Court to admit the application under Section 482 Cr.P.C, this petition is disposed of giving liberty to the petitioner to approach the trial Court by filing an application under Section 258 Cr.P.C. and the learned Magistrate shall consider the same only from prosecution material, as laid down in **State of Orissa v. Debendranath Padhi**<sup>[1]</sup>. Needless to say, as the petitioner is aged 63 years

and unable to attend the Court regularly to face the trial,

he may be permitted to represent through special vakalat holder for answering of any charges or by allowing application under Rule 37 of Criminal Rules of Practice with necessary conditions including any direction for personal appearance, as and when required.

Accordingly, this criminal petition is disposed of.

Miscellaneous petitions pending if any, shall stand closed.

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**Dr. B. SIVA SANKARA RAO, J**

**Date: 29-06-2015**  
**pab**

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