

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.5462 of 2015

ORDER :

This Criminal Petition is filed by the Petitioner/ accused No.3 under Section 482 Cr.P.C seeking to quash the proceedings in C.C. No.230 of 2014 on the file of XV Metropolitan Magistrate, Cyberabad, at Medchal for the offences punishable under Sections 406, 408, 409, 420, 468, 471 and 190 and 120 (B) IPC.

2) Heard learned counsel for the petitioner/ accused No.3 as well as learned public prosecutor representing 1st respondent—State before admission and before ordering notice to respondents 2 to 4. Perused the material on record.

3) As the material falls short for this Court to admit the application under Section 482 Cr.P.C, the same is disposed of giving liberty to petitioner to file an application before the trial Court under Section 239 Cr.P.C for the trial Court to hear and decide the matter only from the prosecution material vide ***State of Orissa vs. Debendra Nath Padhi***^[1]. Needless to say if the petitioner files any application under Section 205 Cr.P.C to represent through Special Vakalath holder, in the event of framing charges to face the trial before the learned XV Metropolitan Magistrate, Cyberabad at Medchal, the learned Magistrate after hearing the matter shall pass with necessary conditions as petitioner is resident of West Mumbai,

Thane and claims ordeal to attend the Court for trial on all days physically.

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

Dr. B. SIVA SANKARA RAO, J

Dt.26.06.2015
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Date: 26.06.2015

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[\[1\]](#) AIR 2005 SC 359