

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.4182 of 2015

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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.591 of 2014 on the file of the X Additional Chief Metropolitan Magistrate, Secunderabad, for the offences punishable under Sections 406, 420 and 506 IPC.

2. Heard the learned counsel for the petitioner as well as the 1st respondent-State represented by the Public Prosecutor before admission and before ordering any notice to the 2nd respondent and perused the material on record.

3. A perusal of the material falls short for this Court to admit the application under Section 482 Cr.P.C., undisputedly the police filed charge sheet that was taken cognizance by the learned Magistrate.

4. Having regard to the above, the criminal petition is disposed of giving liberty to the petitioner to submit any application for discharge under Section 239 read with 240 Cr.P.C. or to submit any arguments before hearing on charges to consider the same by the learned Magistrate on own merits only from the material of the prosecution available on record as laid down by the Apex Court in **State of Orissa v. Debendranath Padhi**. Needless to say, in the event of any application filed by the accused under Section 205 Cr.P.C. through Special Vakalat holder, the learned Magistrate shall hear and pass appropriate orders with necessary conditions.

5. Miscellaneous petitions pending, if any, shall stand dismissed.

Dr. B. SIVA SANKARA RAO, J

10th June 2015.

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