

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.6922 OF 2015

ORDER:

This Criminal Petition is filed by the petitioner/A5 under Section 482 Cr.P.C seeking to quash the proceedings in C.C.No.322 of 2012 on the file of II Additional Chief Metropolitan Magistrate, Vijayawada, where the learned Magistrate has taken cognizance for the offence punishable under Sections 406, 477, 468, 420 r/w 34 I.P.C. and 7(c) of the Essential Commodities Act, out come of the report of the 2nd respondent- Assistant Grain Purchasing Officer vide crime No.70 of 2009 of Krishnalanka Police Station, Vijayawada.

Heard the learned counsel for the petitioner and the learned Public Prosecutor (A.P.) for the State before notice to respondent No.2 and before admission.

Perused the material on record. As the material falls short for this Court to admit the application to quash the cognizance taken by the Magistrate for the said offences against the accused from the final report of the police so also against A1 to A4, the same is disposed of giving liberty to the petitioner to file an application under Section 239 Cr.P.C. before the learned Magistrate if any grounds to frame charge under Section 240 Cr.P.C., only from the prosecution material vide **State of Orissa v. Debendranath Padhi**^[1].

Needless to say, if the petitioner files an application along with other accused under Section 37 of Criminal Rules of Practice or under Section 205 Cr.P.C. the learned Magistrate shall hear and permit the same with necessary conditions.

As the case is of the year 2012, the trial Court shall make every endeavour for disposal of the same preferably, within four months from the date of receipt of a copy of this order. If the same is not disposed of within the aforesaid period, the learned Magistrate shall obtain permission for extension of time by assigning reasons.

With the above directions and observations, this Criminal Petition is disposed of.

Miscellaneous petitions pending if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date:04-08-2015
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**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

CRIMINAL PETITION No.6922 OF 2015

Between:

Bommisetty Mahesh@Kishore

... Petitioner

and

The State of Andhra Pradesh and another

... Respondents

DATE OF JUDGEMENT PRONOUNCED: 04-08-2015

SUBMITTED FOR APPROVAL:

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

1. Whether Reporters of Local newspapers
may be allowed to see the Judgment?

Yes/No

Yes/No

2. Whether the copies of judgment may be
marked to Law Reporters/Journals?

Yes/No

Yes/No

3. Whether Their Ladyship/Lordship wish
to see the fair copy of the Judgment?

Yes/No

Yes/No

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