

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO
CRIMINAL PETITION No.9768 of 2015

ORDER :

This Criminal Petition is filed by the petitioner/A13 under Section 482 Cr.P.C seeking to quash the proceedings in S.C.No.379 of 2014 on the file of IV Additional District and Sessions Judge, Kurnool.

Heard the learned counsel for the petitioner/accused and also the learned Public Prosecutor for the State before admission and before notice to the 2nd respondent/*de-facto* complainant. Perused the material on record.

The learned counsel for the petitioner wants to rely on the prosecution material and not with any foreign material. Needless to say, it is after hearing as contemplated by Sections 226 to 228 Cr.P.C. the charges were framed including against the petitioner about his complicity to the crime. Subsequently he answered on the charges and facing the trial and two witnesses already examined by the prosecution and he participated by trial in the cross examination. To say the trial Court within its mandate under Section 309 Cr.P.C. is proceeding with trial. It is needless to say, Section 216 Cr.P.C. the abuse not only in the prosecution but also to the accused for the Court to consider whether there are any grounds to allow or modify a charge which includes even a deletion within its scope. Thus, remedy is left open if at all to file application as one stated filed by the

prosecution under Section 216 Cr.P.C. equally for the accused before the trial Court but for though there is nothing for this Court at this stage either to admit the application or to stall the trial Proceedings.

Accordingly, this criminal petition is disposed of.

Miscellaneous petitions, if any pending, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date:12-10-2015

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