

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.8331 of 2015

ORDER:

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This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973, seeking quashing of all further proceedings in C.C.No.493 of 2015 on the file of the VIII Additional Chief Metropolitan Magistrate, Nampally, Hyderabad in respect of the petitioners/accused Nos.1 to 7. A charge sheet came to be filed against the petitioners for the offences punishable under Sections 324, 509 read with Section 34 of IPC.

The averments in the charge sheet are as under:

On 24.01.2015 at about 03.00 P.M., the complainant brought one truck loaded with bricks for renovation of her house and stopped the same in front of the house of the informant and the petitioners, who are neighbours. It is stated that due to previous enmity, the accused are alleged to have abused the informant demanding her to remove the said truck, beat her with bricks, insulted her daughters modesty by using filthy language and are also alleged to have stolen her mobile phone. Basing on these allegations, a report came to be lodged.

Though the present Criminal Petition is filed questioning the initiation of the proceedings, the learned counsel for the petitioners restricts his prayer seeking dispensation of the presence of the petitioners before the trial Court as there is no dispute with regard to their identity at the time of incident and that no prejudice would be caused due to their absence. Learned Public Prosecutor submits that he has no objection for the same, since the identity of the petitioners is not in dispute.

Having regard to the circumstances stated above and as there is no dispute with regard to the identity of the petitioners, the presence of petitioner Nos.1 to 5 and 7, who are accused in C.C.No.493 of 2015 on the file of the VIII Additional Chief Metropolitan Magistrate, Nampally, Hyderabad, is dispensed with except on the dates when their presence is specifically required by the trial Court. However, petitioner No. 6, who is A6, shall appear before the trial Court

on every date of adjournment.

Accordingly, the Criminal Petition is disposed of.

As a sequel thereto, Miscellaneous Petitions, if any, pending shall stand closed.

C. PRAVEEN KUMAR, J

13.10.2015

vhb