

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.5070 of 2015

ORDER :

This Criminal Petition is filed by the Petitioners/ accused Nos.1 & 2 under Section 482 Cr.P.C seeking to quash the proceedings in C.C. No.974 of 2014 on the file of V Additional Junior Civil Judge, Guntur registered for the offences punishable under Sections 323 and 506 r/w 34 IPC.

2) Heard learned counsel for the petitioners/ accused Nos.1 and 2 and learned public prosecutor for 1st respondent—state before admission and before ordering any notice to de facto complainant—2nd respondent. Perused the material on record.

3) As the material falls short for this Court to admit the application filed under Section 482 Cr.P.C to quash the proceedings of CC No.974 of 2014, the application is disposed of giving liberty to petitioners to move the trial Court by filing an application under Section 239 Cr.P.C to consider only from the prosecution material before the trial Court as laid down in ***State of Orissa vs. Debendra Nath Padhi***^[1] and to decide independently on own merits. Needless to say in the event of framing charges, the petitioners are given liberty to file an application under Section 205 Cr.P.C because they are claiming that being senior citizens more than 70 years and they are unable to attend the Court for regular adjournments to represent through Special Vakalath holder and the learned Magistrate shall hear and permit their representation through Special Vakalat holder to face the trial.

4) Miscellaneous petitions, if any pending, shall stand

closed.

Dr. B. SIVA SANKARA RAO, J

Dt.19.06.2015
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HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

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