

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.5083 of 2015

-

ORDER :

This criminal petition is filed by the petitioner/A.8 under Section 482 Cr.P.C seeking to quash the proceedings in C.C.No.80 of 2015 on the file of the Judicial Magistrate of First Class, Sullurpet, for the offences punishable under Sections 468, 471 and 474 IPC.

2. Heard the learned counsel for the petitioners 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. The petitioner/A.8 is wife of A.1 of C.C.No.80 of 2015 on the file of the Judicial Magistrate of First Class, Sullurpet, taken cognizance for the offences punishable under Sections 468, 471 and 474 IPC is out come of Crime No.125 of 2011 of Tada Police Station, Nellore District, with the allegations that A.1 to A.8 being privy clandestinely transporting paddy without permission by creating fake way bills for the transit from Nalgonda of Telangana State to the Tamilnadu State.

4. Undisputedly, police filed charge sheet and the learned Magistrate has taken cognizance including against the petitioner herein, no doubt, by showing her as

absconding, who is a lady claimed as innocent and house woman.

5. Having regard to the above, the criminal petition is disposed of giving liberty to the petitioner to surrender before the learned Magistrate concerned and file petition under Section 70(2) Cr.P.C. to recall the warrant by expressing willingness to appear and to execute a bond as contemplated by Sections 88 or 89 Cr.P.C. and in such an event, the learned Magistrate shall recall the warrant and obtain bonds from the petitioner after hearing the A.P.P. Further, it is needless to say, thereafter in the event of filing any application under Rule 37 Cr.P.C., the learned Magistrate shall hear and consider by allowing the same to represent one accused on behalf of all the accused persons. It is further needless to say, the remedy is left open to the petitioner to move an application under Section 239 Cr.P.C. before the learned Magistrate, only from the prosecution case material if no grounds to frame charges, to seek for discharge as per the Apex Court's expression in **State of Orissa v. Debendranath Padhi**^[1] and there from to pass appropriate orders by the learned Magistrate.

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

Dr. B. SIVA SANKARA RAO, J

22nd June 2015.

mar

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