

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.5854 of 2015

ORDER :

This Criminal Petition is filed by the Petitioners/accused Nos.3 & 4 under Section 482 Cr.P.C seeking to quash the proceedings in C.C No.782 of 2014 on the file of IV Additional Junior Civil Judge, Guntur for the offences under clause 19 (a) of Fertilizer Control Order, 1985 r/w Section 7 (1) (a) (ii) of Essential Commodities Act, 1955.

2) Heard learned counsel for the petitioner/complainant as well as 1st respondent—State represented by learned public prosecutor representing before admission and before ordering notice to respondent No.2. 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, the same is disposed of, giving liberty to petitioners to file an application under Section 238 Cr.P.C to consider only from the prosecution material vide ***State of Orissa vs. Debendra Nath Padhi***^[1]. Needless to say, in the event of filing any application under Rule 37 Cr.R.P by the petitioners/accused Nos.3 & 4 among other accused, the learned Magistrate shall consider and permit one on behalf of all with necessary conditions. Any further remedy is left open to the petitioners, in the event of passing orders under Section 238

Cr.P.C.

4) Miscellaneous petitions, if any pending, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Dt.03.07.2015

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Date: 03.07.2015

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