

HON'BLE Smt JUSTICE ANIS

CRIMINAL PETITION No.2680 of 2015

ORDER:

This Criminal Petition is filed by the petitioner, under Section 482 Cr.P.C, seeking quashment of proceedings in C.C.No.957 of 2012 on the file of Judicial Magistrate of First Class, Mahabubnagar.

The main allegation levelled against the petitioner in the charge sheet is that he published and distributed pamphlet to influence the voters violating the rules and regulations of the election code.

Learned counsel for the petitioner contended that the petitioner has been falsely implicated; that the complaint is without basis; that the investigating officer filed charge sheet mechanically; and, therefore, prayed to quash the proceedings.

Learned Public Prosecutor appearing for the State opposed to quash the proceedings on the ground that the Revenue Divisional Officer, M.Nagar-cum-Returning Officer filed a complaint against the petitioner under 127(A) of Representation of People Act, 1951; that the police after due investigation filed charge sheet; that the truth or otherwise of the allegations can be gone into only during the course of trial; and, therefore, prayed to dismiss the petition.

The truth or otherwise of the allegations made in the complaint can be gone into only during the course of trial and, since the matter is coming up for trial, the trial has not, as yet, commenced, this Court is not inclined to quash the proceedings in C.C.

Learned counsel for the petitioner submits that, since the petitioner is a practicing advocate, and an Ex-MLA, this Court may take a lenient view and dispense with his presence on every date of adjournment.

Taking into consideration the facts and circumstances of the case, the presence of the petitioner before the Court is dispensed with except on the

dates when his presence is specifically required by the Court, or as and when summoned by the Court.

With the aforesaid observation, the Criminal Petition is dismissed. Miscellaneous petitions pending, if any, shall also stand dismissed.

ANIS,J

Date:02.04.2015

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