

**HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO**  
**Crl.P.No.4945 of 2015**

**ORDER :**

This petition is filed under Section 482 of the Code of Criminal Procedure (for short, 'the CrPC') by the Petitioner-A.1 in C.C.No.805 of 2011 on the file of III Metropolitan Magistrate, Vijayawada, Krishna District, praying to quash the proceedings in said case.

2. Heard the learned counsel for the petitioner/A.1 so also the learned Public Prosecutor representing State-1<sup>st</sup> respondent before admission and before ordering notice to the 2<sup>nd</sup> respondent/defacto-complainant and perused the material on record.

3. On perusal of the record, cognizance is taken of the offences punishable under Sections 406 and 420 of I.P.C. and Section 7 of the Essential Commodities Act. Undisputedly, the case is pending from 2011. The petitioner is not in a position to say whether the charges are framed or not under Section 240 of Cr.P.C. after hearing under Section 239 of Cr.P.C.

4. Having regard to the above, if the charges already not framed under Section 240 of Cr.P.C., the trial Court shall on hearing the accused persons also consider any necessity of discharge, else to frame charge and in such an event further remedies left open to the accused. The petitioner claims that since 2011 practically with no progress attending for every adjournment, in view of the facts if the petitioner file any application under Section 205 of Cr.P.C., the learned Magistrate shall consider and permit to represent by special vakalath holder with necessary conditions of wherever requires for personal appearance to attend.

4. Accordingly, the Criminal Petition is disposed of. Consequently, miscellaneous applications, if any, pending in this Petition shall stand closed.

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**Dr. B. SIVA SANKARA RAO, J**

**Date: 17.06.2015**  
**Vvr**