

**IN THE HIGH COURT OF JUDICATURE AT
HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE
OF
ANDHRA PRADESH**

CRIMINAL PETITION No.6565 of 2015

Between:

Mekapati Mallikarjuna and others.

... Petitioner

and

The State of A.P. Rep. by the Public Prosecutor and
another

... Respondents

DATE OF JUDGEMENT PRONOUNCED: 19-08-2015

SUBMITTED FOR APPROVAL:

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

1. Whether Reporters of Local newspapers
may be allowed to see the
Judgment? No

2. Whether the copies of judgment may be
No
marked to Law Reporters/Journals?

3. Whether Their Ladyship/Lordship wish
to No

see the fair copy of the Judgment?

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO
CRIMINAL PETITION No.6565 of 2015

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ORDER :

This Criminal Petition is filed by the Petitioners/accused under Section 482 Cr.P.C seeking to quash the proceedings in C.C.No.157 of 2013 on the file of Judicial Magistrate of First Class, Udayagiri, SPSR Nellore District registered at the instance of the 2nd respondent for the offence punishable under Sections 324, 323, 506 r/w.34 IPC.

2) Heard the learned counsel for the petitioners and the 1st respondent-State represented by the Public Prosecutor before admission, before ordering notice to the 2nd respondent and perused the material on record.

3) No Part-II CD even filed to quash the charge sheet and as the material falls short to admit the application, the Criminal Petition is disposed of giving liberty to the petitioners to file application if there are no grounds to frame charge for discharge under Section 239

Cr.P.C. before the learned Magistrate and decide on own merits from the prosecution material based on the expression of the Apex Court in State of Orissa V. Debendranath Padhi^[1]. Needless to say if the petitioners filed any application under Rule 37 Criminal Rules of Practice to permit one of them to represent other accused, the learned Magistrate shall consider and permit the same, but for whenever the personal appearance of the accused is required.

As a sequel, miscellaneous petitions pending, if any, in this criminal petition shall stand closed.

Dr. B. SIVA SANKARA RAO, J

19-08-2015

nvl

^[1] (2005)1 SCC 568