

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.4522 of 2015

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ORDER :

This criminal petition is filed by the petitioners/A.6, A.7, A.10 and A.12 under Section 482 Cr.P.C seeking to quash the proceedings in C.C.No.2 of 2011 on the file of the Metropolitan Sessions Judge-cum-Special Judge for A.P. Protection of Depositors of Financial Establishment Act, 1999, Visakhapatnam, for the offences punishable under Sections 420 and 120-B IPC and Sections 3 and 5 of the A.P. Protection of Depositors of Financial Establishment Act, 1999.

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. As the material falls short for this Court even to admit the application under Section 482 Cr.P.C., the same is disposed of giving liberty to the petitioners to move an application under Section 239 Cr.P.C. before the learned Special Judge, if there is any material from the prosecution case to frame charges or to seek discharge, the learned Special Judge there from to consider only from the prosecution material as laid down by the Apex Court in **State of Orissa v. Debendranath Padhi** and pass appropriate orders. Needless to say, in the event of filing an application by accused under Rule 37 of the Criminal Rules of Practice, the learned Special Judge shall consider to permit one of the accused to represent the other accused and pass orders so permitting unless any personal appearance is required to all so to appear. Needless to observe further that, if the learned Sessions Judge found that there are any grounds to frame charges or any charges framed either under

Section 240 or 228 Cr.P.C., as the case may be, the remedy is left open to the petitioners to impugn the same.

4. Accordingly, the criminal petition is disposed of.

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

Dr. B. SIVA SANKARA RAO, J

15th June 2015.

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