

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.9058 OF 2015

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ORDER:

Heard learned counsel for the petitioner/accused in C.C.No.119 of 2013 on the file of Judicial First Class Magistrate, Kothavalasa, Vizianagaram District, wherein the learned Magistrate taken cognizance for the offence punishable under Sections 498-A of IPC which is outcome of the report of the second respondent/*defacto* complainant in Crime No.111 of 2013 of Kothavalasa Police Station and also heard the first respondent-State before admission and before notice to the second respondent/*defacto* complainant. No part II CD has been filed herein.

A perusal of the material in fact, falls short for this Court to admit the application for quashing the calendar case but for the factual matrix entitled disposal giving liberty to the petitioner to file an application under Section 239 of Cr.P.C., if there are no charges to frame by the trial Judge or under Section 216 of Cr.P.C. for any alteration or modification or application of respective charges as the case may be, to dispose of the case vide **State of Orissa v. Debendranath Padhi**. Needless to say, from the fact that the petitioner is claimed working as Electrical Assistant Engineer at Yanam, Pondicherry State; the case is pending in Kothavalasa, Vijayawada District and unable to face the rigmarole of the criminal trial, liberty is given to the petitioner to file application before the learned Magistrate under Section 205 of Cr.P.C., or under Rule 37 of Criminal Rules of Practice. In the event of such application, the learned Magistrate shall hear and permit with necessary conditions of personal appearance as and when required by permitting to represent through special vakalath holder and dispose of the case preferably within six (06) months.

Accordingly, this Criminal Petition is disposed of.

Miscellaneous petitions pending if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

21-09-2015

vhb