

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO
CRIMINAL PETITION No.5021 of 2015

ORDER :

The criminal petition is filed by the petitioners/Accused Nos.2 and 4 to 6 under Section 482 Cr.P.C to quash the proceedings in C.C. No.179 of 2014 on the file of XII Additional Chief Metropolitan Magistrate, Hyderabad which is outcome of Crime No.151 of 2012 registered for the offences punishable under Sections 120-B, 406, 409, 420, 467, 468 read with 34 of I.P.C.

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

3. On perusal of the material on record, which no way even enclosed the part-II C.D, falls short for this Court to admit the application under Section 482 Cr.P.C and hence the same is disposed of giving liberty to the petitioners among other accused, if any, to file an application under Section 239 Cr.P.C before the learned Magistrate concerned, if no material to frame charges seeking discharge, to consider only from the prosecution material as laid down in ***State of Orissa V. Debendranath Padhi***^[1].

Needless to say in such contingency, if any application filed by the accused under Section 37 of Criminal Rules of Practice to represent one for all others, the learned Magistrate shall hear and consider in permitting the same with necessary conditions including personal appearance of any of them as and when required.

4. With the above observations, the criminal petition is disposed of. Miscellaneous petitions pending, if any, in the Criminal Petition shall stand closed.

02.07.2015
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[\[1\]](#) (2005)1 SCC 568