

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.3726 of 2015

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ORDER :

This Criminal Petition is filed by the Petitioners/Accused Nos.2 to 13 under Section 482 Cr.P.C seeking to quash the proceedings in C.C. No.1171 of 2014 on the file of V Additional Judicial Magistrate of the First Class, Nellore, SPSR Nellore District for the offences punishable under Sections 420, 495, 498(A), 452, 427, 323, 506 r/w 34 I.P.C.

2) Heard, the learned counsel for Petitioners/A-2 to A-13 and the 2nd respondent-State represented by the learned Public Prosecutor, before hearing for admission and before ordering notice to the 1st respondent to the petition.

3) Undisputedly, the police filed the charge sheet that was taken cognizance as C.C. No.1171 of 2014 and the case is a warrant procedure case. The remedy is left open to the petitioner to submit any application for discharge under Section 239 read with 240 Cr.P.C. or to submit any arguments before hearing on charges to consider the same by the learned Magistrate on own merits only from the material of the prosecution available on record as laid down by the Apex Court in ***state of Orissa V. Debendra Nath Padhi***. Needless to say, in the event of filing an application by accused under Rule 33 Criminal Rules of Practice, the learned Magistrate shall consider to permit one of the accused to represent the other accused in the subject matter.

4) With the above observations, the criminal petition is disposed of.

5) Miscellaneous petitions, if any pending, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Dt.01st June, 2015

KSH