

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.5274 of 2015

ORDER :

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This Criminal Petition is filed by the Petitioners/ accused Nos.1 to 3 under Section 482 Cr.P.C seeking to quash the proceedings in C.C. No.254 of 2015 on the file of Judicial First Class Magistrate at Kodad, Nalgonda District, registered for the offences punishable under Sections 448, 354, 354-A, 509 and 506 IPC.

2) Heard learned counsel for the petitioners/ accused Nos.1 to 3 as well as learned public prosecutor representing 2nd respondent—State before admission and before ordering notice to respondent No.1—de facto complainant. Perused the material on record.

3) As the material falls short for this Court to admit the application under Section 482 Cr.P.C, the same is disposed of giving liberty to petitioners to file an application before the trial Court under Section 239 Cr.P.C for the trial Court to hear and decide the matter only from the prosecution material vide ***State of Orissa vs. Debendra Nath Padhi***^[1]. Needless to say in the event of petitioners filing any application under Rule 37 Cr.R.P the learned Magistrate shall hear and permit them to represent one instead of all the accused to attend personally, pending trial unless personal appearance of all from any of them required

so to direct any specific adjournment.

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

Dr. B. SIVA SANKARA RAO, J

Dt.01.07.2015
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Date: 01.07.2015

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[\[1\]](#) AIR 2005 SC 359