

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.3703 of 2015

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ORDER :

This Criminal Petition is filed by the Petitioner/Accused under Section 482 Cr.P.C seeking to quash the proceedings in CrI.A.No.16 of 2015 on the file of learned III Additional Sessions Judge, Karimnagar which was preferred by the 1st respondent herein against the acquittal judgment dated 20.09.2011 in C.C. No.295 of 2013 on the file of the Additional Judicial Magistrate of the First Class, Karimnagar.

2) Heard, the learned counsel for Petitioner and the 2nd respondent-State represented by the learned Public Prosecutor before admission of the application under Section 482 Cr.P.C and before any notice to the complainant/1st respondent to the petition. The petition is maintained impugning the maintainability of the statutory right of appeal under Section 372 (amended) Cr.P.C. by the victim against acquittal judgment in C.C. No.295 of 2013. The Criminal Appeal No.16 of 2015 is pending on the file of III Additional Sessions Judge, Karimnagar and Section 386 Cr.P.C provides for deciding of the appeal on merits.

3) The petitioner/A-1 is representing through his counsel before the appellate Court. Needless to say that the petitioner need not appear personally before the appellate Court, but for his advocate shall represent the matter. Even otherwise, the Court can decide the appeal under Section 386 Cr.P.C on merits as laid down by the apex Court in **Bani Singh V. State of U.P.**

4) Having regard to the above and subject to the 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