

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

CRIMINAL PETITION No.7542 of 2016

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. to quash the proceedings in D.V.C.No.3 of 2013 on the file of Special Judicial Magistrate of I Class, Prohibition & Excise Court, Srikakulam.

Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor representing the State.

From a perusal of the complaint it cannot be said that there is no material to proceed against the petitioners/respondents 1, 3 and 4. Therefore, it is not a fit case where the proceedings against them can be quashed. The truth or otherwise of the allegations can only be decided during the course of trial.

The Criminal Petition is accordingly disposed of with a direction to the learned Magistrate to proceed with the enquiry in DVC, however, without insisting for the presence of the petitioners/respondents 3 and 4 in DVC on each and every adjournment, unless the Court feels that their presence is necessary for any specific purpose.

Pending miscellaneous applications, if any, shall stand closed in consequence.

M.S.K.JAISWAL,J

Date: 07.06.2016
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