

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.4041 OF 2016

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ORDER:
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This Criminal Petition is filed by the petitioners-A1 to A3 under Section 482 Cr.P.C., seeking to quash the proceedings against them in C.C.No.290 of 2014 on the file of the Additional Judicial Magistrate of First Class, Jammalamadugu, Y.S.R. District.

Heard and perused the material available on record.

The petitioners are alleged to have committed the offence punishable under Sections 406 and 420 IPC. It is alleged that in the month of June, 2011, the Government had sanctioned an amount of Rs.13 lakhs as compensation to the de facto complainant as his lands and house were drenched due to Gandikota reservoir. With an intention to purchase a tractor, the de facto complainant went to Ananthapur. A1 induced that he is an authorized dealer for Eiher tractor and he would give each tractor for Rs.4,30,000/-. The de facto complainant accepted to purchase the tractor from him. A1 along with A2 and A3 visited the house of the de facto complainant and induced him that if he pays the amount immediately, tractor will be provided at cheaper rate. The de facto complainant booked two tractors and paid an amount of Rs.8 lakhs and L.Ws.2 to 8 also paid Rs.4 lakhs each, and in total, an amount of Rs.36 lakhs was paid to the accused in the presence of L.Ws.9 and 10. Later, the accused postponed the matter on some pretext or the other. On enquiry, the de facto complainant and others came to know that the accused collected amounts from the public and went away by cheating them.

Considering the facts and circumstances of the case and the averments in the charge sheet, this Court is not inclined to grant the relief sought by the petitioners.

At this stage, the learned Counsel for the petitioners prayed for dispensing with the presence of the petitioners before the trial Court.

Considering the above submission, the presence of petitioners No.2 and 3-A2 and A3 before the trial Court is dispensed with, except on the dates when their presence is specifically insisted by the trial Court. Petitioners 2 & 3 are directed to be represented through a Counsel before the trial Court on all hearing dates.

Accordingly, the Criminal Petition is disposed of. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Date : 23.3.2016

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HONOURABLE SRI JUSTICE RAJA ELANGO

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DATED 23.3.2016

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