

HONOURABLE SRI JUSTICE M.S.K. JAISWAL

CRIMINAL PETITION No.11787 of 2016

ORDER:

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The criminal petition is filed under Section 482 Cr.P.C. seeking to quash the proceedings in DVC No.28 of 2015 on the file of the learned III Metropolitan Magistrate, Visakhapatnam.

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

Having heard the learned Counsel on either side and gone through the material available on record, it is obvious that specific allegations were made against the petitioners herein in the affidavit filed in support of the aforesaid DVC. The truth or otherwise of the allegations can only be decided during course of trial. This Court is not supposed to make a roving enquiry into the allegations made against the petitioners herein. I see no ground to quash the proceedings in the aforesaid DVC.

In the facts and circumstances of the case and as requested by the learned counsel for the petitioners, the Criminal Petition is disposed of, directing the Court below to proceed with the trial and dispose of the DVC No.28 of 2015 within a period of three months from the date of receipt of a copy of this order, however, without insisting for the presence of the petitioners 2 and 3 herein for each and every adjournment, unless it feels that their

physical presence is necessary for any specific purpose. The Counsel on record shall represent the petitioners 2 and 3 before the Court below on each and every day of hearing the case. It is made clear that the first petitioner herein shall appear before the Court below on each and every date of hearing the case.

Miscellaneous petitions pending consideration if any in the Criminal Petition shall stand closed in consequence. No order as to costs.

JUSTICE M.S.K. JAISWAL

DATED 11TH AUGUST, 2016.
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