

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.3715 of 2016

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, is filed by the petitioners-accused Nos.3 to 6 seeking to quash the proceeding against them in CC No.123 of 2015 on the file of the IX Additional Chief Metropolitan Magistrate, Hyderabad, for the offences punishable under Sections 147, 148, 149, 447 and 506 r/w.34 IPC.

Heard and perused the material available on record.

The allegations against the petitioners are that the petitioners and other accused formed into an unlawful assembly armed with lethal weapons, trespassed into the private properties and caused damage to the compound wall, ransacked the belongings, restraining the lawful movement of the public and created terror disturbing public peace and tranquillity in the locality, The truth of the said allegations can be decided only after due trial. Hence, this Court is not inclined to quash the proceedings against the petitioners.

At this stage, learned counsel for the petitioners submitted that the NBWs are pending against the petitioners and the same may be recalled and also confined his arguments only to the extent of dispensing with the presence of the petitioners before the trial Court.

Having heard the learned counsel for the petitioners and the learned Additional Public Prosecutor and having perused the material available on record, this Court is of the view that this petition can be disposed of with the following directions:

The petitioners-accused Nos.3 to 6 are directed to appear before the Court concerned and file petitions to recall the warrants pending against them and on such petitions being filed, the Court concerned is directed to recall the warrants on the same day on their executing personal bond for a sum of Rs.5,000/- (Rupees five thousand only) each with one surety for a like sum each. The presence of the petitioners before the trial Court is dispensed with except on the dates on which the trial Judge insists for the presence, and they shall be properly represented through their counsel before the trial Court on all hearing dates.

Accordingly, the Criminal Petition is disposed of. Miscellaneous Petitions pending if any, shall stand closed.

RAJA ELANGO, J

March 21, 2016.

KTL