

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.16911 OF 2016

ORDER:

This criminal petition, under Section 482 of Code of Criminal Procedure, 1973 (for short, 'Cr.P.C. '), is filed to quash the proceedings in C.C.No.283 of 2015 for the offences punishable under Section 420 IPC and Section 3 of A.P. Public Examinations (Prevention of Malpractices and Unfair Means) Act-1997 pending on the file of XV Metropolitan Magistrate, Cyberabad, Rajendranagar.

During hearing, learned counsel for the petitioner Sri Shaik Jilani made a request to dispense with the presence of the petitioner as it is difficult for the petitioner to attend college on every date of adjournment without attending the college, he being a student prosecuting 4th year B.Tech.

This Court cannot pass such Order by exercising power of Magistrate. However, the petitioner is permitted to file appropriate application under Rule 37 of Criminal Rules of Practice or under Section 205 Cr.P.C. or under any other provision of law, for dispensing with the presence of the petitioner before the concerned Magistrate.

In view of the above facts and circumstances, considering the difficulty of the petitioner, I deem it appropriate to direct the petitioner to file an appropriate application before the concerned Magistrate after issuing notice to the respondents and on filing such application, the Magistrate is directed to consider the same and pass appropriate orders in accordance with law.

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With the above direction, this Criminal petition is disposed of at the stage of admission.

Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

M. SATYANARAYANA MURTHY, J

Date: 20.12.2016
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