

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.42616 OF 2016

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India seeking to quash the proceedings in C.C.No.125 of 2013 on the file of Judicial First Class Magistrate, Pitapuram, East Godavari District (arising out of Crime No.137 of 2011 on the file of U.Kothapalli Police Station, U.Kothapalli Mandal, East Godavari District.)

2. Heard and perused the material available on record.
3. The offences alleged against the petitioner are punishable under Sections 409 and 477(A) I.P.C.
4. After arguing for some time, the learned counsel for the petitioner submitted that the petitioner may be permitted to file discharge application and his presence before the trial Court may be dispensed with.
5. Considering the facts and circumstances of the case and the submission made by the learned counsel for the petitioner, the petitioner is permitted to file discharge application before the trial Court placing reliance on the decision rendered by a Division Bench of this Court in **Salauddin Owaisi v. DSP, CID, SDT, Hyderabad¹** and on such application being filed, the trial Court shall consider the same in accordance with law. Till the disposal of such discharge application, the presence of the petitioner before the trial Court is dispensed with. If the petitioner is aggrieved with

¹ 2000 (2) ALD (CrL.) 329 (AP)

the order passed by the trial Court, he is at liberty to approach this Court.

6. With the above directions, the Criminal Petition is disposed of.

7. Miscellaneous petitions pending, if any, in this Criminal Petition shall stand closed.

JUSTICE RAJA ELANGO

20.12.2016
AMD



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Date: 20.12.2016

AMD