

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY
CRIMINAL PETITION Nos.14926, 14927, 14928 and 14929 OF 2016

COMMON ORDER:

These petitions are filed under Section 482 of Criminal Procedure Code (for short "Cr.P.C.") to quash the docket orders dated 23.09.2016, in which N.B.Ws were issued against the petitioner in C.C.Nos.269 of 2016, 203 of 2015, 190 of 2016 and 479 of 2014 on the file of VI Additional Judicial First Class Magistrate, Rajahmundry, East Godavari District.

It is brought to the notice of this Court that in these cases the records were tampered and an enquiry was initiated against the concerned employees.

The trial Court returned the petition filed under Section 70 (2) of Cr.P.C. on behalf of the petitioner/accused by raising the following objections:

- (1) The advocate on record signature not tallying and there is no provision to sign by the other counsel for the advocate on record.
- (2) Notice shall be given to other side.

As seen from the record, it is clear that Sri S.Srinivas Rao, advocate, signed on the petition filed under Section 70 (2) of Cr.P.C., who holds no memo of appearance in the above cases. Therefore, the VI Additional Judicial First Class Magistrate, Rajahmundry, East Godavari District raised such objections and there is any amount of justification for doing so.

However, Sri B.V.Rama Rao, learned counsel for the petitioner, seeks permission of the Court to move appropriate

application before the Court concerned for recall of N.B.Ws.

In view of the facts and circumstances of the case, the petitioner is permitted to move appropriate application before the Court concerned for recall of N.B.Ws and on appearance of the petitioner, the Judicial First Class Magistrate concerned is directed to decide the matters on the same day itself.

With the above directions, the petitions are disposed of. No costs.

The miscellaneous petitions pending, if any, shall also stand closed.

Date:20.10.2016
Ksp

JUSTICE M. SATYANARAYANA MURTHY

