

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.40190 of 2016

ORDER:

This writ petition under Article 226 of Constitution of India is filed seeking to call for records in C.C.No.795 of 2011, on the file of the Additional Judicial Magistrate of First Class, at Nuzvid, Krishna District, in Crime No.119 of 2011 and to quash the same.

The case of the petitioners is that the 1st petitioner is the brother-in-law of A-1, who is the husband of the 3rd respondent and the 2nd petitioner is the mother of the 1st petitioner and 3rd petitioner is the wife of the 1st petitioner and that the 3rd respondent lodged a complaint against her husband and the petitioners, which was registered as Crime No.119 of 2011 and later charge sheet was filed, which was numbered as C.C.No.795 of 2011, on the file of the Additional Judicial Magistrate of First Class, Nuzvid, for the offences under Section 324 read with 34 IPC, alleging that the 3rd respondent's husband and the petitioners beat the 3rd respondent by bending her and by holding her hair and the husband and the 1st petitioner beat the 3rd respondent with sticks on her both thighs, neck and left hand and necked out her from the house.

After arguing for some time, when this Court informed that the Court is not inclined to interfere with the trial on the basis of the disputed fact, then the learned counsel for the petitioners confined his arguments only in connection with the presence of the petitioners before the trial Court.

Considering the facts and circumstances of the case and as the matter arises out of matrimonial dispute and the question of identity of the persons also not in dispute and the 2nd petitioner is aged about 85 years, the presence of the petitioners before the trial Court is dispensed with except on the dates of framing of charges, if any, examination under

Section 313 Cr.P.C., and also on the date of pronouncement of judgment. The petitioners shall be properly represented through their counsel before the trial Court.

Accordingly, the Writ Petition is disposed of. No costs. Pending Miscellaneous Petitions, if any, shall stand closed.

RAJA ELANGO,J

Date: 22nd November, 2016

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