

HONOURABLE SRI JUSTICE M.S.K. JAISWAL

CRIMINAL PETITION No. 14337 of 2016

ORDER:

The criminal petition is filed under Section 482 Cr.P.C. seeking to quash the proceedings in PRC No. 11 of 2016 pending adjudication on the file of learned Judicial First Class Magistrate, Chintalapudi, registered for the offences punishable under Sections 120 (b), 143, 447, 427, 307, 506 read with Section 149 IPC and Section 3(2)(a) of Prevention of Damages to the Public property Act, 1984.

Heard learned counsel appearing for the petitioners/Accused, and learned Additional Public Prosecutor, representing the State.

Having heard the learned Counsel on either side and gone through the material available on record, it is palpable that specific allegations were made in the complaint against the petitioners/Accused. The truth or otherwise of the allegations can only be decided during the course of trial. This Court is not supposed to make a roving enquiry into the allegations made in the charge sheet. I see no ground to quash the proceedings in the aforesaid PRC at this stage.

However, considering the facts and circumstances of the case and as requested by learned counsel for the petitioners, the Criminal Petition is disposed of, directing the Court below to proceed with the aforesaid PRC without insisting for the presence of petitioners/Accused till the case is committed to Sessions

Court, however, subject to the condition of petitioners/Accused filing an undertaking before the Court below that they should present before the Sessions Court as and when the aforesaid PRC is committed to Sessions Court.

Miscellaneous petitions pending consideration if any in the Criminal Petition shall stand closed in consequence. No order as to costs.

JUSTICE M.S.K. JAISWAL

DATED 13th October, 2016.
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