

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.43619 of 2016

ORDER:

This writ petition under Article 226 of Constitution of India is filed seeking to declare the charge sheet in C.C.No.767 of 2014, on the file of VIII Additional Chief Metropolitan Magistrate, Nampally, Hyderabad, in Crime No.219 of 2013, on the file of the 2nd respondent registered under Sections 420, 468, 471 read with 34 IPC, as illegal and arbitrary and consequently set aside the same.

Heard and perused the material available on record.

The case of the petitioner is that the 2nd respondent registered a *suo moto* case against A-1 and A-2 and also the petitioner, who is arrayed as A-2, in the above said crime alleging that some forged documents are created and circulated by all the accused. After investigation, the 2nd respondent filed charge sheet in C.C.No.767 of 2014, on the file of VIII Additional Chief Metropolitan Magistrate, Nampally, Hyderabad, The contents of the charge sheet itself shows that the petitioner paid amounts to A-1 and A-2 for preparing of documentation to visit United States of America, Embassy at Chennai and they got prepared those documents.

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 petitioner confined his arguments only in connection with the presence of the petitioner before the trial Court.

Considering the facts and circumstances of the case and the question of identity of the persons also not in dispute, the presence of the petitioner 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 petitioner shall be properly represented through his 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: 15th December, 2016

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