

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.912 OF 2016

ORDER:

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This Criminal Petition is filed by the accused under Section 482 of Cr.P.C. seeking to quash the proceedings in C.C.No.1539 of 2015 pending on the file of XIX Metropolitan Magistrate, Cyberabad at Miyapur.

The main contention raised by the learned counsel for the petitioner is that as per the provision under Section 319 Cr.P.C. the petitioner should not have been added as an accused since his name is not found place in the FIR. In support of his submissions, the learned counsel placed reliance on the decisions of the Apex Court reported in **Hardeep Singh v. State of Punjab and Others** and **Sarojben Ashwinkumar Shah v. State of Gujarat and Another**.

The above decisions relied on by the learned counsel for the petitioner are totally irrelevant to the issue before this Court. The said decisions speak about the persons those who are not arrayed as an accused before the Court at the time of enquiry or trial. Admittedly, the case on hand, after due investigation, the respondent-police filed the charge sheet arraying the petitioner as A.6 and the Court has also taken cognizance of the offence. Hence, the said decisions are not applicable to the facts of the case on hand.

Accordingly, the Criminal Petition is dismissed. However, the presence of the petitioner before the trial Court is dispensed with except on the dates so specifically the trial Court insists for his appearance. The petitioner is directed to be represented by a counsel on all hearing dates.

Consequently, miscellaneous petitions, if any, pending, shall stand closed.

JUSTICE RAJA ELANGO

23.02.2016

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