

THE HONOURABLE SRI JUSTICE M.S.K.JAISWAL

Criminal Petition No.11266 of 2016

ORDER:

This Criminal Petition is filed under Section 482 of Code of Criminal Procedure (Cr.P.C) by the petitioners/accused Nos.1 to 3 seeking to quash the C.C.No.366 of 2016 on the file of the II Additional Judicial First Class Magistrate, Kadapa, for the offences under Sections 326, 323 r/w.34 of IPC.

Heard the learned counsel for the petitioners/accused Nos.1 to 3 and the learned Public Prosecutor and perused the material available on record.

On a perusal of the charge sheet, this Court is of the view that truth or otherwise of the allegations made against the petitioners can be decided only after due trial. Hence, this Court is not inclined to interfere with the proceedings against the petitioners.

In any event, considering the nature of allegations against the petitioner Nos.2 and 3 - accused Nos.2 and 3, their presence before the trial Court is dispensed with except on the dates of framing of charges, examination under Section 313 Cr.P.C. and pronouncement of the judgment.

Considering the nature of allegations against the petitioner No.1-accused No.1, the Criminal Petition is dismissed as far as petitioner No.1-accused No.1 is concerned. The petitioner No.1 – accused No.1 shall appear before the trial court during the course of trial. It is needless to observe that the petitioners are at liberty to avail the remedies available under Cr.P.C. including for their discharge.

Accordingly, the Criminal Petition is disposed of. Consequently, the miscellaneous petitions pending in this petition, if any, shall stand closed.

3rd August 2016
M.S.K.JAISWAL, J

ajr