

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.5545 OF 2016

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ORDER:

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This petition is filed by the petitioners-accused Nos.5 & 6 under Section 482 Cr.P.C. seeking to quash the proceedings against them in PRC No.42 of 2015 on the file of the Additional Judicial First Class Magistrate, Vizianagaram, Vizianagaram District.

Heard and perused the material available on record.

The petitioners along with other accused are alleged to have committed the offence punishable under Section 323 r/w 34 IPC and Section 3(1)(x) of the SCs & STs (POA) Act. It is alleged that on 28.5.2015, the nephew and son of the 2nd respondent played cricket with plastic ball on the terrace of her house and after half an hour, they came and informed the 2nd respondent that the son of one Korada Laxmi and the petitioners asked them as to whether any ball came towards their building, for which, they informed that no ball came towards them. Without believing their words, they beat the son and nephew of the 2nd respondent with hands. When the 2nd respondent asked Korada Laxmi about the acts of her family members and children, the said Korada Laxmi and others abused her in the name of her caste.

Considering the facts and circumstances of the case and the nature of the allegations, this Court is not inclined to grant the relief sought by the petitioners.

At this stage, the learned Counsel for the petitioners prayed for dispensing with the presence of the petitioners before the trial Court.

In view of the above submission, the presence of the petitioners before the trial Court is dispensed with except on the date of framing of charges, if any; on the date of examination under Section 313 Cr.P.C. and on the date of pronouncement of judgment. The petitioners are directed to be represented through a Counsel before the trial Court on

all hearing dates.

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

JUSTICE RAJA ELANGO

Date : 19.4.2016

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HONOURABLE SRI JUSTICE RAJA ELANGO

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DATED 19.4.2016

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